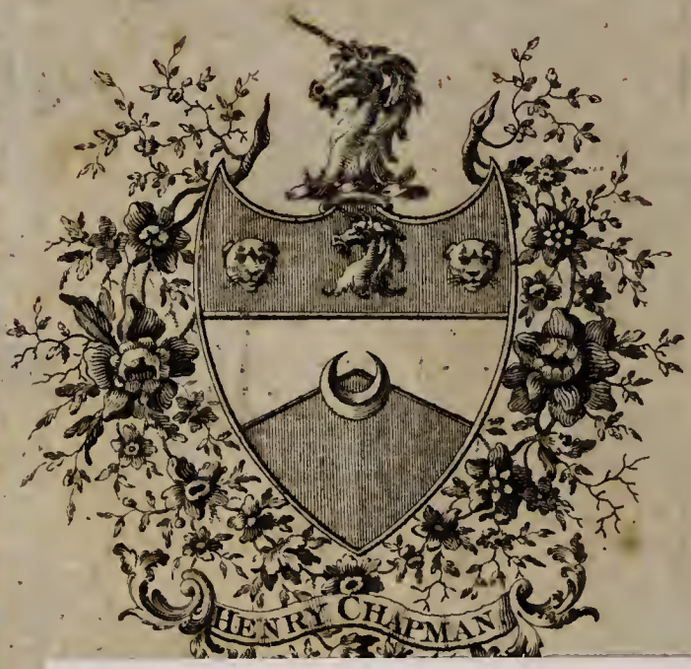

THE LATE SESSION

OF

THE PROVINCIAL PARLIAMENT

OF

LOWER CANADA,

BY

AN OLD COUNTRYMAN.

"This is certain—the House of Assembly passed these Bills—the House did all that they could; they failed after they left the House; they were either not taken into consideration by the Council at the time of the prorogation, or they were rejected by the Council, by that Legislative Council in which *Executive* Councillors take a leading and influential part. What must we then call that allegation which attributes the loss of these Bills to the House?"—*Neilson's Quebec Gazette, March* 1827.

"We can, and do say, that the House of Assembly performed their duty, and that all their zeal and diligence have been frustrated; and we do further say, that it was the most extravagant and desperate injustice to attribute the loss of these measures to the Assembly."—*Ib.*

"If any body of Legislators were to reject measures beneficial to the country, not because they did not feel and understand that they would be beneficial—but because it was considered desirable to punish the country—they would, by acting on such motives, be turning against the country the power with which they were vested, for its benefit. They would be unfit for their trust *and ought to be stript of it.* They would be public enemies, and *should be disabled from perpetrating public mischief.*"—*Ib.*

MONTREAL, L. C.

APRIL, 1836.

TO

JOHN ARTHUR ROEBUCK, Esq., M. P.,

AGENT TO THE HON. THE HOUSE OF ASSEMBLY

OF

LOWER CANADA.

The following pages are inscribed by

His obedient and

Very faithful Servant.

E. B. O'CALLAGHAN.

Montreal, May 9, 1836.

PROVINCIAL PARLIAMENT.

SESSION, 1835—36.

The motion of Doctor O'Callaghan to print and publish, for the information of the people of this Province, a list specifying the number of Bills passed by their Representatives during the last session of the Provincial Legislature, and rejected by the Legislative Council, or amended by that body, in such a manner as to cause their ultimate loss; also, the Bills which originated in the Legislative Council, and were sent down to the Assembly, caused no little sensation in the Lilliputian Legislative Wigwam. Already, two semi-official articles in defence of "the much abused and calumniated Legislative Council" have been sent forth to the public, in the desperate expectation by taking the field, thus early, of shielding that Council from the consequences of their evil deeds. An attempt to scrub a blackamoor white would be as successful.

But it is not with the weapons of invective that we wish to combat. We shall confine ourselves to facts.

In the appendix to this pamphlet will be found a Statement of the Bills introduced and passed by the House of Assembly during the last session of the Provincial Parliament, and sent up to the Council, and which were not returned, or which were amended by that body so as to cause their ultimate loss. It appears by the Recapitulation annexed thereto, that in 103 sitting days one hundred and seventeen Bills were introduced into the Assembly, and that six were received from the Legislative Council, making 123 in all.

There were besides 15 Permanent Committees appointed which made 62 Reports, and 14 special committees which made 104 Reports.

Thus far, the session was one of unexampled labor and industry on the part of a Body, of which, on an average, there were not often more than 50 members in attendance.

In an Assembly such as ours where the Representatives are closely connected with their respective constituencies, living for the most part among them, and intimately acquainted with their wants, it is to be presumed that by far the greater number of the Bills which passed the Assembly were required by the country. Yet what has been their fate?

Of 107 Bills sent up to the Council, 74, or nearly one third of the whole, have never been heard of; and 15 have been so amended as to be rendered utterly useless, if not worse than useless. Thus nearly two thirds of the work of a session of five months continuance has been entirely destroyed, and the great expense of money and time which has been incurred by a protracted session, rendered utterly fruitless, by what has now become a systematic rejection of measures required for the public benefit.

If, on the other hand, we examine the labours of the Legislative Council, what is the most startling feature that strikes us? In a session of one hundred and forty seven days, that body produced six Bills (one of which was to amend the road act, and the other—worthy offspring of such a parent!—to repress Charivaris!!!

It is true that during this period they were not idle; they were busy destroying nearly one half of the Bills which the people's representations had previously passed; thus, in the words of Neilson's Gazette in 1827 "turning against the country the power with which they were invested for its benefit." Thus affording a incontestible proof of unfitness for their trust and how strong is the necessity which exists of stripping them of their power and "disabling them, as we would public enemies, from "perpetrating public mischief."

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There were besides 15 Permanent Committees appointed which made 62 Reports, and 111 special committees which made 104 Reports.

Thus far, the session was one of unexampled labor and industry on the part of a Body, of which, on an average, there were not often more than 60 members in attendance.

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Of 107 Bills sent up to the Council, 34, or nearly *one third*, of the whole, have never been heard of; and 15 have been so amended as to be rendered utterly useless, if not worse than useless. Thus nearly *one half* of the work of a session of five months continuance has been entirely destroyed, and the great expense of money and time which has been incurred by a protracted session, rendered utterly fruitless, by what has now become a systematic rejection of measures required for the public benefit.

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The most of the Bills thus crushed and annihilated by our irresponsible Juggernaut concerned closely, we might add, vitally, the public

interests and prosperity of the Province—the liberties and safety of its inhabitants. There was the *Quarantine* Bill, to prevent plague and pestilence from mowing the people down by tens of thousands: the *Jury* Bill, to prevent their lives and liberties being sacrificed by corrupt Sheriffs, dependant for their existence on a more corrupt Executive, and the Agent's Bill to afford them some chance of escaping the miseries attendant on foreign legislation. There were *three* Bills to diminish law expenses, and to enable the people at a small price, to know what is the Law of the land: a Bill for the relief of Insolvents, and another to prevent fraudulent mortgages: there were *three* Bills to extend and continue our Municipal Laws, in conformity with the spirit which is guiding His Majesty's Councils in England, and which has been expressed and recommended even in his Majesty's late Speech from the Throne; and another, to give to His Majesty's Subjects inhabiting the Parish and Townships in the Country parts of this Province, the power to manage their local concerns, on a similar principle to that which prevails in the neighbouring Province of Upper Canada: there were *three* Bills to finish public improvements already commenced, and in an advanced state towards completion. These were, first, the Bill to complete the Chambly Canal, on which work £66,000 have already been expended and sunk, and which undertaking, instead of being a national honor, has been converted into a monument of disgrace to the Legislative Council, the creature and impotent screen of a Government hostile to the improvement of the Province—2d. the Bill to complete the Montreal Harbour improvement, and 3d. the Bill to construct a Lock at St. Ours, for the purpose of rendering the River Chambly navigable, during the whole of the summer season: there was the Bill to indemnify the Governor for advances made on the faith of the House of Assembly, another to enable the Government to pay the public officers a part of their salaries, without having recourse to robbery and spoliation of the public treasure: and though last, not least, there were *two* Bills to promote the EDUCATION of the rising generation by the rejection of which, nearly 1500 shools will be shut up on the 15th May & nearly 40,000 little children of both sexes turned loose on the roadside, deprived of the opportunity of completing their studies, and exposed to the danger of losing in idleness, if not in vice, the fruits of years of patient and praiseworthy industry and application.

We might add to this frightful catalogue, other measures of public utility which have been destroyed by our task-masters, but our stomach rises as we proceed. We see before us only additional proofs of the bitter hatred that Council entertains against the people, over whom an angry providence has placed them in authority. Every where is apparent the safety of the people jeopardized—their liberties curtailed and endangered—the advancement of the Country obstructed—the education of its inhabitants impeded and arrested, and the public property exposed to that same system of mismanagement and pillage: to which, like a sacked city, it has been delivered ever since the annexation of the Province to the British Crown. Every item in the black list only strengthens the conviction that the Legislative Council of Lower Canada, in the words of JOHN NEILSON, 1827, have "turned against the country the power with which they were invested for its benefit"—that "they are unfit for their trust and ought to be stripped of it"—that they are "public enemies and ought to be disabled from perpetrating public mischief."

The principal defence which the apologists of "the much abused and calumniated Legislative Council" make to the charge of systematic rejection by that body of the numerous bills received from the Assembly—is "the lateness of the season at which they have been sent up."

This defence is but a repetition of what has already been said, a thousand times, on behalf of those abusers of public patience. On examination it will be found destitute of all foundation.

Of the *thirty four* Bills sent up to the Council and put by that body, under the table, without being returned to the Assembly, the greater number were communicated to the Council before the month of March. Seven of them were sent up in the month of November 3, in December, 5 in January, 4 in Feb. Of the remainder, 12 were passed by the Assembly previous to the 10th March.

Now if "the lateness of the season at which they were sent up" caused the loss of so many Bills, how came it, we ask, that the Legislative Council rejected those which were communicated to them, in the months of Novembe^{r}, December, January and February? The lateness of the season at which these

were sent up could not have been the cause. They surely were sent up early enough.

Before making this defence for "the much abused and calumniated Council," the apologists of that body ought to have first enquired whether it could be supported even by the proceedings of the party whose defence they are engaged to make. To prove that the "lateness of the season" at which the Assembly sent up those Bills, has alone produced all the mischief of which the country has to complain, it ought to be shewn that it prevented the Council *altogether* from proceeding upon, and disposing of, *any* of the Bills which were sent up so "late in the season." If this could be proved, then, indeed, the Assembly would have much to answer for. But so far from this being the case, the Council, as can be conclusively shewn by statement drawn up from authentic papers, positively considered, and disposed of in one way or the other, all the Bills, that were sent up so "late in the season."

The plea, then, that "the lateness of the season at which the Assembly sent up its Bills," was the cause that so many failed to become Law, is utterly devoid of all foundation on fact. The Council were never more actively employed than in the last 12 days of the session, in their work of destruction and mischief. "The lateness of the season" is put forth merely to blind the public, but cannot stand the test of dissection. Of the Bills sent up in the last 12 days, they contrived though "late the season" to "tomahawk" 21, which is equal to nearly 70 per cent. If the almost incalculable amount of mischief which they committed in the preceding months at their leisure, be added to this, the public will have the means of forming some idea of the extent of evil which the LEGISLATIVE COUNCIL of LOWER CANADA has perpetrated during THE LATE SESSION OF THE PROVINCIAL PARLIAMENT.

We shall now proceed to examine *seriatim* the several Bills which have been destroyed by the Council, and enter into such details as will, we hope, enable the public to judge impartially, between their responsible Representatives and their *irresponsible* Life Legislators.

1. THE AGENT'S BILL.—This Bill has been regularly introduced and passed by the Assembly every year, almost for the last thirty years, and as regularly thrown out by the Council.

The Imperial Parliament of Great Britain and Ireland, 3,000 miles distant, in which the people of this Province are not, and cannot be represented, has most unconstitutionally taken upon itself to legislate on the internal affairs of this Province —to dispose of our property without our consent —to play the same game here that it played in the old British Colonies, and which terminated by the glorious Revolution of 1776.

We shall cite a few examples of this unconstitutional legislation. During, or previous to the last war, the House of Assembly generously imposed *temporary* taxes on the people, in order to assist Great Britain to repel the American Army, and to preserve a resting place on this continent. After the conclusion of the war, what did Great Britain do in return for this act of generosity on the part of the Canadians? By an Act of the Imperial Parliament (the Canada Trade Act) she unconstitutionally and ungratefully rendered those temporary taxes *permanent*, in violation of the rights of the subject and of her own Declaratory Act, wherein she solemnly promised that she would not impose taxes on Colonies having Representative Assemblies.

Again, in 1825 she threw into confusion the Civil Law regulating the Tenure of property in this Province, and passed an act introducing the English Civil Law among us, together "with all its incidents," as Judge GALE said—such as the law of primogeniture and entail, by which the eldest son is enabled to rob all his younger brothers of all share of their patrimony—and the English mode of conveyancing, by which a deed which formerly could be had for 7s. 6d. is made to cost five guineas, which JOHN NEILSON said in 1828, "is more than the lot of land is worth." The following is the account of the effects of this British Act on property in this Province, as given by this same Mr. NEILSON, in his evidence before the Committee of the House of Commons in 1828.

"It is declared (by the Tenures Act) that from 1774 down to the present time, the laws of England regulate the whole property in the Townships. Now every man has divided that property according to the laws of Canada. I myself trusted persons upon the faith of their being possessors of land in that country under the laws of Canada; but it appears now that according to the English Law *it was the eldest son that had all*, and they nothing, being younger sons, and *I have no security for my money!*"

. . . . . "Men that thought themselves the owners of land in that country (the Townships) are no longer owners of it, and it would be difficult to tell who are the owners of it."

Such are a few of the consequences which have resulted from the unconstitutional legislation of Great Britain in our internal affairs. Titles to property jeopardized—creditors robbed—and the younger children beggared.

But even this is not all. In the year 1834 the

British Parliament passed another Act by which nearly a million acres of our land was conveyed away, for next to nothing, to a company of foreign speculators, and stock-jobbing blacklegs, most of whom never saw this country. By means of this law, the produce of the labour of the people of the Province is sent to England, to be spent in riot and luxury, and a fund is established to place the local Executive, and the office-holders of the Province, beyond the control, and independent of our Representatives. The Governor's speech at the close of the last session of Parliament proves this. "I shall be under the necessity," says Lord GOSFORD, "of applying the revenues at the disposal of the Crown, (that is, the Land Company money, and the Land and Timber fund,) to the payment of the office-holders' salaries"—thus destroying all Constitutional control of the COMMONS of the country over public servants!

To protect the people of this Province against foreign legislation, of the miseries of which we have given above a few samples, our Representatives in the House of Assembly resolved, in imitation of the other British Colonies, on having an Agent in England to watch over our liberties, and to prevent them being destroyed by British Acts of Parliament. The following is Mr. JOHN NEILSON's opinion on the subject: [*vide his evidence before the Committee of the House of Commons* 1828.]

"The Parliament has reserved to itself the right of regulating our Trade, and in fact it is the supreme Legislature of the Empire, and we have found by experience that it has occasionally made laws that affect us. Now, we think, that *as we have no representation here* [in England] it would be conducive to the welfare of the Colony, and probably to a better understanding of what is done here, if there were a person resident here that might attend to those matters. It may happen, that there are abuses in the Colony, concerning which it may be necessary to apprize the Government here; now if there are abuses it would be better that there should be some persons authorised by the Colony, and recognized by the Government, to make representations to the Government so that the matter may be quietly examined into and adjusted; any abuses of Government there may be put an end to by instructions to Governors. An Agent would be able to make the Colony understood to the Government of this country in some measure, and the Government of this country better understood to the Colony, besides attending to the business before Parliament. . . . . "I believe that Nova-Scotia has had Agents, New Brunswick has an Agent, Jamaica has an Agent; we have applied since 1807 for an Agent, and certainly if there had been an Agent it would have prevented a great deal of alarm and ill feeling in the country.

. . . . . "The only object is, that the branches of the Legislature of the Colonies, may be heard in this country. It may be irregular in some respects, but there has been a necessity found for something of that kind. *I rather think that Agents have done more good than harm on the whole.*' [*p. p.* 94 5, *24th May*, 1828.]

J. STEPHEN, Junr. Esq., late Counsel to the Colonial Department, and lately appointed to succeed Mr. Hay in the Colonial Office, on being asked if he saw "any objection to the Canadas having an Agent, in the same manner that the Colonies having Legislatures have Agents?" answered, [*vide his Evidence before the Committee of* 1828, *24th June.*]

"On the contrary I should see great advantage in it. I apprehend that the appointment of an Agent for any Colony is attended with the greatest advantage both to the Government and to the Colonists."

"Has not the ground on which the appointment of an Agent has been resisted in Lower Canada been, that the Governor always said that he was the only proper medium of communication between the Government and the Colony?—I believe the Governor has said that he was the Representative of the Colony. Language of that kind has perhaps been thrown out without much consideration.

All the efforts to have an Agent's Bill passed, have, however, always failed. No reasoning—not even that of Mr. JOHN NEILSON, the head of the Constitutionalists—has convinced our irresponsible Council of the propriety of having an Agent in England. Sir JAMES MACKINTOSH, the luminary of English history, has been named and objected to. Mr. LABOUCHERE, who is at present one of the British Ministry, was named and has also been objected to, and so has Mr. HUME. Year after year this Bill has been thrown out, for it is the desire of the Legislative Council that the Colony should not be understood by the Government in England; it is their wish that our lives, our liberties, our properties, and our dearest rights should be at the mercy of men 3,000 miles off, most of whom know no more of CANADA than they do of the moon. Is it just that the interests of the Province should be thus perpetually in danger of destruction?

2. REMOVAL OF TROOPS FROM PLACES OF ELECTIONS.—During the several Elections the Troops staticned in the City of Montreal have been kept under arms, ready to march at a moment's notice against the Electors of this City, at the call of the Tory party. During the Election of 1827, when Mr. McGILL, now a member of the Legislative Council, was one of the Tory Candidates, application was made by Mr. (now Judge) GALE, & Mr. HENRY GRIFFIN, the returning officer, and first signer to the muster Roll of the late *proclaimed* Rifle Corps, to have the military in readiness to shoot the Electors of the West Ward of this City. In 1832, at the request of Mr. MOF-

ratt, another member of the Legislative Council, and of Dr. Robertson, President of the Constitutional Association, the troops were called out, and shot three of the citizens. In the late Election at Quebec, it was openly stated, that not only the troops were under arms, but that the *Cannon* would be fired on the people in case of any disturbance, which the Tory party did all in their power to excite. Under such circumstances, the Representatives of the People would not have been doing their duty were they not to endeavor to remove those troops. For this purpose the above named Bill was introduced. It is borrowed *from the British Statutes*, but with lighter penalties. The Legislative Council, several of whose members have the blood of our slaughtered fellow-citizens to answer for, and who still thirst for more blood, have thrown out this Bill. It would have been a barrier to their sanguinary projects. It would have been a safeguard to the lives of those people, whom they hate with a deadly hatred. For these reasons it was rejected by that Council.

3. To abolish the punishment of Pillory in certain cases.—It was proposed by this measure to abolish this punishment in cases of perjury, and, we believe, libel. It was rejected by the Council.

4. Parish and Township Officers.—The only objection the apologists of the Council can make to this Bill is its being "a bantling of Mr. Child's, and that it exhibited the *Elective* principle in full force." These truly are weighty reasons on which a legislative body acts. The first objection to the Bill happens not to be altogether *true*.

The Bill to allow the people the power to elect certain officers to manage their local affairs was first introduced by Mr. Peck, formerly King's Council in this Province. It was next taken up and introduced by Mr. Theodore Davies, then representing the County of Ottawa, and since appointed Registrar of the County of Two-Mountains by Lord Aylmer. This gentleman has been always a staunch tory. He it was who introduced the clause for the election of the Magistrates by the People into the Bill. After Mr. Davies ceased to belong to the Assembly, the Bill was taken up by Mr. Child, who took great pains to improve it, and sent it again to the Council. It is mainly founded on a similar Bill passed last year by the Parliament of Upper Canada, and which even the *Herald* of this City approved of at the time. It has been always a great outcry against the people of this Province that they are opposed to contributing any thing directly to ameliorate their local condition. This Bill conferred on them, however, the power to assess themselves for certain local purposes, such as making Roads or Bridges, of building School Houses or Town Halls. As it enlarged the political rights of the people, our irresponsible Legislative Council lors crushed it at once. "It was an unimprova-"ble monster," because "it exhibited the "Elective principle in full force!" and conferred on the people the power of regulating their own local concerns.

John Neilson told the Committee of the House of Commons in 1828, that "there is one "thing that is desired to give them [the Town-"ships] which they have in the United States, "and that is the power of regulating their own "little local concerns, and which I conceive," continues the chief of the Constitutional party, "contributes very much to the prosperity of "the United States. Every district of country "regulates matters of common conveniences "such as Roads and Bridges. What can be "done by an individual, is done, but what can-"not be done by an individual is done by a "common effort of the whole community as "determined by the majority, whereas in the "Townships they can get nothing done with-"out delay and expenses."

The following is "the difference between "the state of things in that respect in Canada "and in the United States," as described by Mr. Neilson in his evidence [*page* 86. 24th *May*, 1828.]

"In Canada we have been plagued with an old French system of Government, that is to say, *a Government in which the people have no concern whatsoever.* Every thing must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, *instead of being able to do it for themselves in their own localities.* In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, *by which means they regulate them cheaper and better*; whereas with us, a man must make a journey to Quebec, he must go to a great expense—he must bow to this man, and bow to that man, and rap at this door, and at that door, and spend days and weeks to effect a little improvement of a road, or something of that kind, of common convenience to a District, whereas all that is done in the United States *without going out of his own small district.*"

Well, it was to put an end to this "old French system of Government in which the people have no concern whatever," with which they are "plagued," and by which they are obliged "to make journies to Quebec, to go to "a great expense—to bow to this man and to "that man—to rap at this door, and at that

"door," "to effect at an expense of days and "weeks" any little improvement in their neighbourhood, and to introduce the good responsible "ENGLISH system," by means of which the people can themselves "regulate their own little local concerns," that the CANADIAN House of Assembly have repeatedly passed the Parish and Township Officers Bill. So great however is the horror which the Legislative Council have to this ENGLISH system, that they at once burked the Bill, and voted for the continuance of what Mr. NEILSON calls the *French* system. The people therefore have for another year to make journeys to Quebec and Montreal, and to continue bowing and rapping if they want any improvements in their "little local concerns." Their representatives, they must remember, wished to give them "the ENGLISH system," but the Legislative Council would not allow them to get it. The sooner the ENGLISH system of responsibility is applied to the Legislative Council itself, the sooner will the people be allowed to regulate "their own little local concerns." Let every farmer, therefore, bear this in mind.

5. ATTACHMENT OF SALARIES OF PUBLIC OFFICERS.—This measure owes its origin to Mr. LEE, formerly the representative of the Lower Town of Quebec. It was to oblige the Gentlemen office-holders to pay their debts. These gentry now run in debt, and laugh at their creditors, because their salaries cannot be touched. "This Bill," says the apologist, for the Legislative Council, "was refused—not on account of "its principle *of course*,—but owing to the "present *unprecedented* and extraordinary pos- "ition of the Judges and public officers in this "Province."

This is one of the lamest apologies we ever read. If it was rejected not on account of its principle *of course*, but on account of the *unprecedented* circumstances, what, we ask, was the reason of its having been heretofore rejected? Heretofore the *unprecedented* circumstances did not exist. How came the Bill then to have been rejected when introduced by Mr. LEE, and after him by Mr. DUVAL!

The Council, to our own knowledge, have hitherto rejected it *on principle*. This year they abandon the principle and hold on to the "unprecedented position." Whenever "the unprecedented position" will disappear, the Council will fall back again *on the principle*, and thus it will be to the end of the chapter—from "principle" to "unprecedented circumstances," or some other lame excuse—& from this back again upon "principle," whilst all the time the tradesman and store keeper will be cheated and pillaged, until they obtain an Elective Legislative Council, for the Tories will be always "good at a trick," and never at a loss for an excuse.

6. WOUNDED MILITIAMEN.—This was a Bill to allow those brave men who were wounded during the last war in defending and preserving this Province for "ungrateful" England, the means of more conveniently establishing their claims, and procuring that allowance for loss of health or limb which they so much merit. The apologists for the Legislative Council say it was "a complete job"—Why did not the Council then endeavour to improve it? Why did they insolently reject it? It was sent up in November. They had time enough. It is the first time however that we have heard of Militiamen making a "job" of their wounds. This is not the class of men who dabble in *jobs*. It is rather those who deny them justice and mock at their honorable scars. Should this Province be again invaded, the neglect and insult which these worthy veterans now meet from the Legislative Council and their organs, may cost England the loss of a *fourteenth* gem from her diadem. Ingratitude seldom goes unpunished even in this world.

7. REPAIRING HIGHWAYS and BRIDGES.—This Bill, like the Parish and Township Officers Bill, [No. 4] was to allow the people to regulate their local concerns as far as regarded Roads and Bridges. It allowed them to *elect* certain Road Officers, and to do their business without being troubled hunting after Grand Voyers who live at a great distance from them. But Grand Voyers are the relations or nominees of their Patrons, the Councillors. One is Aide-de-Camp to the Governor. His fees must not be touched. Another is an Executive Councillor—the burthens of the people must not be lightened at the expense of *his* pocket. Now, the Bill in question, did reduce these Grand Voyers' exorbitant fees, which are a great obstacle to new settlements, as every farmer knows. Besides, it allowed the people to manage their own little affairs without being obliged to spend days and weeks from home, bowing to this great man, and bowing to that great man, rapping at this door, and at that. The Legislative Council were however determined to protect their "friends," and so put this Bill on the shelf. "The whole system, as I

"said before, is hitherto a French system of "Government"—said JOHN NEILSON in 1828; "it leaves nothing to be done by the people." This is the system which the Legislative Council of this Province is determined to continue, for as we remarked before, it takes money out of the pockets of the people, and puts it into the pockets of Grand Voyers, the relations and nominees of Legislative Councillors. Ought not the farmers be great friends of the said Legislative Council?

8.—TO REGULATE THE NOTARIAL PROFESSION. There is no profession, in our opinion, of greater importance to the public, and the proper regulation of which is of more consequence than this. Its importance will immediately be understood when it is considered that there is scarcely a transaction between man and man in the Province but passes some how or other through the hands of a Notary. No contract is entered into—no immoveable property exchanged—sold or leased—no Marriage deeds completed—scarcely any transaction of any consequence effected, without the intervention of a Notary. It must be therefore admitted by all, that the proper regulation of the profession is a subject of the greatest importance. The carelessness of the Judges in admitting persons to act as Notaries has however been so great, coupled with the hatred which the majority of those high functionaries bear to the system of Civil Law in force in the Province, that it has excited a grave suspicion in the minds of many, that it was intended by such carelessness to bring discredit on the Laws, by the ruin of individuals in consequence of carelessness and inattention in the admission of ill-qualified persons to the discharge of those important duties.

It was the intention of the Assembly, and of the framers of this Bill, to obviate those dangers, by making such regulations as would insure the admission only of persons of suitable legal acquirements into the profession. By this Bill candidates for the Notarial profession were obliged to undergo a proper examination before a Board, and provision was made for the periodical inspection of the books and Registers of Notaries, thereby to insure the certainty that order, regularity, and care, should be observed in such important departments. This Bill passed unanimously in the Assembly, many of the members of which are practising Notaries, Lawyers, Landholders, and Merchants, who without doubt ought to be competent judges of what the public interests require. The apologists of the Council admit themselves that it is "much wanted;" and that with the amendments which Mr. VIGER reported, principally suggested by the Montreal Notaries, the Bill would have been a good one. The Council, however, put it on the shelf, to keep company with the other "subjects" which they despatched during the Session, notwithstanding it is "much wanted" and notwithstanding Mr. VIGER's amendments. The whole concern was sent to the Greek Calends, "to give time to all parties concerned to be heard and attended to." The Bill has now been before "the parties concerned" at least *four* years. It is odd if they have not had "time" enough to consider its provisions.

9. REPRINTING THE PROVINCIAL STATUTES.—Whoever is conversant with our Statute Books, is aware that they are incumbered with many obsolete or expired Laws which are no longer in force. Our Representatives have been desirous for a great many years to separate the living from the dead laws, and to have an edition printed containing only the Laws and ordinances in force in the Province, so that every man for a trifling sum may be able to know what is the law of the land, and direct himself accordingly. With this view they sent up to the Council the Bill to reprint the Provincial Statutes.

Those who are employed to apologize for the "tantrums" of our irresponsible taskmasters of the Legislative Council, say that the Bill was refused "because there was not money in "the chest to warrant its passing, and that it "was not otherwise objected to." The shallowness of this apology, and the impudence of the Legislative Council which countenances it, will at once be apparent when the history of the Bill is made known.

A Bill having a similar object to the present was sent up in the course of the last Parliament to the Legislative Council, by which body it was amended. It being a Money Bill, the Assembly could not constitutionally permit the Council to amend it; but rather than the Bill should be lost, passed another Bill, *into which were introduced the Council's amendments*, and sent it up stairs. What will the public think of this Council, when they learn that they *threw out* the Bill altogether, *even when it contained their own amendments?* Every person must admit that it is difficult to get along with a body which could be guilty of conduct so incomprehensible as this.

This year the same Bill, with their own amendments, was again sent up. Now, however, the excuse is, that there is not money enough. Why, the whole expense would be no more than a few hundred pounds. But it must be remarked that there was plenty of money in the Chest the last time the Bill was

sent up, when the Council amended it. How came it that they *then* threw it out, with their own amendments to boot?

The truth is, the plea that is brought forward is patched up for the occasion. One year the Bill is thrown out for this reason—another year for that reason. Whatever be the motive, nothing is certain but the rejection of the measure. We have shewn that they already threw out the Bill, even when their own amendments were agreed to, and when there was plenty of money in the chest. The true reason of the rejection of the measure is, that the Council are becoming every year worse and worse—every year more the friends of monopoly and their favorites, and that the good or advantage of the public is a matter with the irresponsible and life Legislators, of secondary consideration. Their constant opposition to the reprinting of the Statutes was happily compared by Mr. PAPINEAU, at the last West Ward Election, to the conduct of the Roman Tyrant who had his Laws written in such a small character, and fixed so high on the walls, that no person could read them, and then punished by torture or death whoever was ignorant of the Law or disobeyed it.

14. CESSIO BONORUM.—The Constitutionalists have long been loudly crying out for a Bankrupt Law in this Province. The Assembly have for nearly twenty years been endeavoring to introduce the ScotchLaw of *Cessio Bonorum*, which provides that an unfortunate Debtor shall have a discharge, on certain conditions, after he gives up any property he may have remaining, for the benefit of his creditors. The Legislative Council have always pertinaciously opposed the passing of this humane law. For what reason, not even their apologists can explain.

11. MAINTENANCE OF COURT HOUSES AND JAILS.—"This was objected to," say the apologists of the Council, "because it was a Bill to tax the poor for the benefit of the rich." How humane, all at once, are our Life Legislators—our Lords and taskmasters!

This Bill provided for the maintenance of Court Houses and Jails in the counties, by a light additional tax on Law proceedings in those several Courts. The same principle *has already been sanctioned* by the Legislative Council, in the case of the Jail of the St. Francis District. It was, indeed, first suggested by one of their own members! Now, however, they have taken a sudden liking to the poor, who they would wish us to believe they are anxious to protect. They who already threw out the Bill obliging office-holders to pay the *poor* tradesman whatever they may owe him; they who, for the sake of a few hundred pounds, have been eternally rejecting the bill to give cheap laws to the *poor*; they who threw out the Bill to provide for the *poor* wounded militiamen; they who threw out the Montreal Harbor Improvement Bill, and the Chambly Canal Bill, which would give work to the *poor*; they in fine who rejected the Elementary School Bill, the great object of which was the education of the *poor*; they to set up as the protectors of the poor against the rich! What hypocrites! Why, their every action during the last Session gives the lie to the reasons which they offer for rejecting this Bill.

12. TO REGULATE THE MANAGEMENT OF THE JESUITS' ESTATES.—No public property in the Province requires proper management more than these Estates. Hitherto they have been administered solely for the benefit of a plundering sett of harpies, whom neither shame, nor conscience, nor public indignation, can force to let go the gripe they have obtained over them. One Legislative Councillor has got 26,000 acres of these Estates, positively for *nothing*. Sillery Cove, even against the solemn promise of the Governor in-Chief, has been secretly partitioned out, to the damage of the public interests, for hundreds of pounds below its value in the market, among men who have no recommendation but that they are warm partizans of the Legislative Council—stiff Constitutionalists. Farms belonging to these Estates, have been given to Government favorites for a *nominal* sum, three or four times less than the value; and so far from the capital being paid, the purchasers have not been even troubled for the interest. Portions of these Estates have been alienated, to the admitted amount of nearly £15,000, of which not £2,000 were collected so far down as 1831. The Jesuits' College in Quebec, which has in the 19th century, and by the British Government, been converted into a *Barrack*, is another instance of the disgraceful manner in which these Estates have been administered.

To save the wreck of those Estates, was the object of the Bill before us. Instead of having them managed by a Commissioner, who has been convicted out of his own mouth of incapacity and ignorance, a proper establishment was provided, and means were also taken that the uncultivated lands belonging to the Estates should be disposed of in convenient lots, to settlers willing to culti-

vate and reside on the same, instead of gifting thousands of acres to Legislative Councillors for nothing, or next to nothing. The Legislative Council—those great friends of the *poor*—threw out this Bill which went thus to furnish the *poor* with Farms under easy terms, because the Jesuits' Estates are considered a "nest egg" for Executive and Legislative Councillors, and the members of the Constitutional Association; and because the present Commissioner is a Legislative and an Executive Councillor, and one of those friends of the poor, whose charity begins at home. The truth is, if the present Bill went into operation, it would put an end to a shameful system of spoliation and corruption which has long been going on. As might have been expected, the Legislative Council therefore threw it under the table.

13. PRINTING AND DISTRIBUTION OF THE LAWS.—This Bill was to throw the printing of the Statutes, like the printing of the House of Assembly, open to competition. At present it is a monopoly given to the Editor of the Quebec *Mercury*, and the Editor of the Quebec *Gazette*, (by authority) as a reward for the constancy with which they defend the misdeeds of the office-holders, and abuse the House of Assembly. An idea of the jobbing which the public are the victims of at present, may be formed from the fact, that the present Law-printers charge £558 11 10½d. for what can be done for £400, if the work was open to competition; and other work for which nearly £100 is charged, can, it is stated, be done for almost a tenth of that sum. It was with a view to economy of the public funds that the present Bill was introduced. The Legislative Council—the friend of the poor—who threw out the Bill for reprinting the Statutes, because there was not enough of money in the Chest, now reject this Bill because it tended to save money, and to have less taken out of the Chest by Messrs. FISHER and KEMBLE than usual. Our Council is certainly not very consistent in its actions. At one time it is a great stickler for economy, when "the cry" will protect its favorites. At another time it considers (as in the present case,) economy as "a ricketty concern," when it militates against its friends. "Such is the "stuff that man is made of," says BENTHAM, "in principle and in practice; in a right track "and in a wrong one, the rarest of all human "qualities is *consistency*."

14. TO ESTABLISH A POST OFFICE.—At present, between £10,000 and £12,000 are sent to England from the Canadas yearly, by the Deputy Post Master General; this being the excess of the receipts over the expenditure. By the Post Office Bill, it was proposed that this surplus should be kept in the country, to be expended in extending increased Post Office accommodation and Mails throughout the different sections of these Provinces.

At present, Mr. STAYNER, Deputy Post Master General, appropriates £3,000 per annum to himself, whilst the Post Masters who do all the drudgery, have *on an average* but £30 or £40 per annum. The proposed Bill gave Mr. STAYNER, the Deputy Post Master General, £750 per annum, and the working Post Masters an increased remuneration on the same scale, as is established in the United States. Economy and responsibility was in other respects introduced into the Department;—the postage was reduced, whilst at the same time the Revenue was not much affected. The Legislative Council, however, "the friends of the poor," rejected the Bill, by which means the *poor* General Post Office in England will continue to receive 10 or £12,000 a year from Canada—*poor* Mr. STAYNER, the Deputy Post-Master General, will continue to pocket £3,000 a year, and the *real* poor people of Canada will have to pay high postage, and to have but scanty Post Office accommodation.

But we are told that the Council have addressed His Majesty on the subject. It was fitter for the Council to have concurred in the Bill. His Majesty had been already three different times addressed on the subject. His Majesty requested the Provincial Legislature to legislate on the subject. Instead of so doing, the Council obstruct the public business, and allow the provincial funds to be exported to England, or wasted in high salaries on public officers, instead of being laid out for the benefit of the people of the Colony. And these are the people who *pretend* to object to tax the poor for the sake of the rich. What a rich commentary their acts are in their professions.

15 FURTHER ENCOURAGEMENT OF ELEMENTARY EDUCATION.—Of all the Bills rejected by the Council during the last Session, the Bill for the further encouragement of Elementary Education is the most important, and the one the loss of which will be most generally felt throughout the Province. Whoever will imagine the existence, for six years, of from 1000 to 1300 schools, and the gradual increase of scholars in proportion; the sudden cessation of those schools, and the unforeseen deprivation to nearly 40,000

children of the means of instruction, will have it in his power to form some idea of the desolating effects which the determination of the Legislative Council in rejecting this Bill will produce in this unfortunate Province.

The Representatives of the people were for nearly 40 years endeavouring to extend the benefits of education throughout the country. The Legislative Council, with its usual hostility, steadily opposed, until within a few years, all attempts to afford the people the means of instruction, except on conditions dangerous to the religious opinions of the Roman Catholic population, and now that opposition is again revived. In 1801, an Act was passed for the establishment of Schools; they were to be under the management of a corporation. That corporation was not named until 1817, and when it was named, it happened to consist mostly of persons of one religion alone. The Protestant Bishop, and the Clergy of the Church of England, were at the head of the Corporation, and the great majority of the members were of the same church. This tended to confirm the suspicion of the people that this Board, (like the famous Kildare-street Society,) was appointed not for the purpose entirely of educating, but rather of proselytizing the children, from the faith of their forefathers. The children belonging to the mass of the population would not go to these schools, and in consequence they fell through. They have had very few scholars, and Mr. JOHN NEILSON (from whose evidence these particulars are taken, vide evidence, 5th June, 1828) states, that though they, up to that time, had applied £30,000 of the public money, they had not educated 1200 children a year.

We perceive that the Legislative Council, in its Resolutions of the 15th March last, rejecting the Elementary School Bill, recommends the organization of a Central Board of Superintendance, by which the course of instruction may be more effectually ascertained *and directed*, and the expenditure of the public money more effectually applied. This is merely a revival of the ROYAL INSTITUTION under another form, which the Council wishes to establish. We have already from Mr. NEILSON's evidence before the Committee of the House of Commons, shewn what stuff that "Central Board" was made of. We give another extract from the same evidence (24th May, 1828) in order that the public may thoroughly comprehend the difficulties which the Government and its supporters, the Council and the Royal Institution, have thrown in the way of education.

Mr. NEILSON is asked,

"What are the peculiarities in the State of Lower Canada which have occasioned it to remain so much behind the rest of the continent in point of information?

Answer. The country is very much extended. It is difficult for the people to establish Schools themselves. They had no authority until lately, even to hold property for Schools; and under difficulties of that kind, it is natural to suppose that education would not spread so rapidly as in the United States, where from the commencement there had been a regular provision made for schools on pretty much the same plan as in Scotland. In Lower Canada we have had nothing in favor of schools except the act of 1801 [the Royal Institution] *which has done more harm than good*, with respect to the general advancement of Education, for it alarmed the people with regard to their religion. The schools were under the control of persons that they considered adverse to their religion, and it was thought that it was attempted to get the whole of the children to school, in order to convert them, *or pervert them*, as they called it, and it excited a great deal of alarm."

Anxious above all things to have the people educated, a Bill was introduced, in 1814, in the Assembly, by which it was proposed to establish a system similar to that established in Scotland, with some of the improvements of New England. Schools, by this act, were to have been established in the various localities—and the people were to have the power of assessing themselves for the purpose of maintaining those schools, and to appoint Trustees, &c. Numbers of Bills to establish schools in the Province were introduced after this, and rejected by the same Council, who would have no other act than the proselytizing Act of 1801, and the Royal Institution.

Such is the history of Education in Lower Canada, up to the year 1829, when the first Elementary School Bill was passed. From that period to the present, the benefits of Education have been widely and extensively spreading and taking deep root. Its progress may be ascertained from the following fact. In the year 1829, the number of scholars at Elementary Schools amounted only to 14,753. In 1835, the number at the same schools amounted to 37,658, being an increase in six years of 22,905 scholars, independant of the augmentation to be expected in schools established by private societies in the Cities, or by *Fabriques* or Vestries, in the country parts. In 1829, the proportion of pay scholars at these schools was 1 out of 2. In 1830, the proportion of pay Scholars was somewhat less, being 8 out of 19. In the year 1835, the proportion of pay scholars was *more than two thirds* of

the whole. The Legislative Council accuses the inhabitants of the Province of relaxing in their exertions for the support of schools. Facts contradict the assertion. The following however will set the matter in a clearer light.

1833.—No. of Scholars in Elementary Schools		29,377
Free	10,744	
Paid	18,633	
		29,377
1834.—No. of Scholars in ditto		32,309
Free	10,193	
Paid	22,116	
		32,309
1835.—No. of Scholars in ditto		37,658
Free	12,498	
Paid	25,160	
		37,658

The Legislative Council in the Report to which it agreed on the 15th March last, state that their sole object is to consider the principle upon which it is expedient to grant public money in aid of general Education and the best manner of applying that principle, and having considered that question, *Resolved* and "that it now becomes "the duty of the Legislature to require the inhab- "itants of the Province to contribute more large- "ly by their own voluntary exertions, and with "their own means to the establishment of a sys- "tem of Elementary Education."

We have already shewn by the proportion of those who pay for their Education, that the Inhabitants contribute "largely" already to the education of their children. They have not had hitherto the legal power to assess themselves, or they would have done so. There are two principles on which Elementary Education can be supported; one, by grants of public money; the other the Scotch system, by which the people of each School District meet and assess themselves for the purpose of maintaining the Teachers.

The House of Assembly, as will appear even by the partial extracts of their Reports which the Committee of the Legislative Council have made, have all along been of opinion that the expenses of those schools should be provided for by the people themselves. But at the same time they wisely recommended "that the provision for Elementary Schools should not be abolished before a better system could be introduced." The Legislative Council however, abolish the provision, and introduce no system on its ruins, thus leaving the people without the means of educating their children. They have demolished the building which sheltered nearly 40,000 little children, without erecting another in its stead to receive the houseless!

In accordance with the views expressed so far back as the year 1814, and reiterated so repeatedly since, the House of Assembly introduced provisions from the Scotch system into the Bill now under consideration, and empowered "the heads of families in each School dis- "trict to meet, and a majority of those present "to vote any sum or sums of money for the "purchase of a lot of ground for the site of a "School House, or for the building or repair- "ing of any School House, or for the support "of any School House or Teacher of a School "District." Here was the basis laid of a system by which "the Public Revenue would be relieved from the expense which it hitherto bore, and the people," according to the wishes of the Legislative Council "influenced "to take a more decided interest in the prosperity of institutions for the education of themselves and children." Strange to say, the Legislative Council threw out the Bill containing the recommendations made in their own Report!

The practice which has hitherto prevailed in this Province of voting a portion of the public Revenue for the encouragement of Elementary Education is not peculiar, or confined, to Lower Canada, and its existence among us does not betoken any lukewarmness for, or indisposition towards, the benefits of education. Large grants are yearly made by the Imperial Parliament, for the encouragement of Education in Ireland. We have before us the last Report of the Committee on Education of the Parliament of Novascotia for the year 1833, from which it appears that more than the fourth part of the expenses of Common or Elementary Schools in that Province, is borne by the Provincial Treasury. This Committee in their Report give it as their opinion "that the Province "is not yet ripe to assume the burden of main- "taining a system of Elementary Education by "an equitable assessment on the population "according to their ability," and for that reason recommend the continuance of the Legislative grant, and of the expiring Act for two years longer.

It has thus been shewn that neither the inhabitants of this Province, nor their Representatives, are behind other Provinces similarly circumstanced, in their efforts for Education. The Representatives of the British inhabitants of Nova-Scotia declare, that the Province is

not yet ripe for the system of assessment, and prudently recommend the continuance of the Legislative grant for two years longer. The Representatives of this Province provided in the last Bill for the introduction of the system of assessment, but the Legislative Council regardless of the prudence of our neighbours, moved only by its antient hostility to the mental improvement of the people, rejects the measure altogether, and abolishes the Legislative provision for the Elementary Schools, not only before any better system is introduced, but without making any provision for the wants of the community. Such wanton wickedness is unparalled in any Legislative Body in the world. It is turning against the people the power with which it is vested for the people's benefit. Before abolishing the existing system, they were in duty bound to provide some other in its stead. They incurred this responsibility towards society by the rejection of the Elementary School Bill. Having failed to acquit themselves of that duty—having thereby shewn how unfit they are for the trust which they have assumed, the sooner they are stript of it the better; the sooner they are disabled from perpetrating any more public mischief, the safer for society. To wage war against the public by depriving them of the means of Education, betokens a malignancy of spirit, a determined and bitter hatred of the people, that cannot, that ought never to be forgiven. Let the people therefore with one accord demand the abolition of this Council which has proved itself a public nuisance—the arch enemy of society. Its arm being raised against every man, let every man's arm henceforward be raised against it.

16. To Prevent and Punish the Fraud called *Stellionate*:—The party opposed to the House of Assembly, and who maintain that they are only represented and protected by the Legislative Council, have been clamorous about frauds which might occur from *secret* Mortgages. In the course of last Session, the Petitions which were presented on this subject, were referred to a Special Committee, which on the 23d Feb. recommended the re-establishment of the Bill under consideration, "convinced," says the Report, "that the defects and inconveniences which are "felt in the execution of our laws concerning "hypothecations, are in no wise owing to the sys- "tem itself, because the greater part of them did "not exist in the country whence we derived "these very laws, but are rather due to the con- "struction which has been put upon the laws in "question, and the manner in which they have "been executed in this country, where they have "never been administered in their true spirit and "in their full extent."

"Among the causes above alluded to," continue the Committee, "it is necessary to instance "more particularly the absence of the laws for the "prevention and repressal of the frauds commit- "ted in Civil transactions which were known in "the ancient Law of the Country, under the "name of *Stellionate*. It cannot be doubted that "by thus cutting off a principal portion of our "law of hypothecation, occasion has been given to "the greater part of the difficulties and inconveni- "ences which have been complained of, and "which have been *falsely*, and but too frequently, "attributed to the whole system of law concerning "hypothecation."

By the ancient law of the country, a man who would sell property, and conceal that there is a Mortgage on it; or borrow money upon land or property, and declare that the land he mortgages is perfectly free, was declared guilty of fraud (*Stellionate*) and was upon discovery, liable to imprisonment until he paid the damage suffered. This salutary law was declared by the Judges not to be in force. The object of the Assembly in passing the law under consideration (which was introduced by Mr. Gugy) was to revive the essential part of the law, so that the person guilty of fraud by concealing secret mortgages, should be punished until he should repair the damage inflicted. The Legislative Council, on the contrary, rejected the measure, which must be considered certainly an inconsistent proceeding on the part of that body which has cried out so lustily against "secret incumbrances."

17. Reducing Duties on Tobacco.—By the Law now in force, Tobacco imported direct from the United States, pays a duty of from 50 to 75 per cent; but Tobacco imported from, or via, Upper Canada, pays only a duty of 20 per cent. The object of this Bill was to equalize the duties, so that all Tobacco imported should be liable only to 20 per cent duty. It is stated by the apologists for the Council, that "this Bill was amended so "that it should not go into operation before the "10th October next, as it was considered *unjust* "that an Act *repealing* duties should go into oper- "ation immediately, there being heavy stocks in "the country on which duties had been paid." We know not on what foundation this assertion has been made. All we know is, that the Bill was never returned to the Assembly, either with or without amendments. The Council smothered it. It was said at the time, that it was rejected because some of the members of the Legislative Council dabble in Tobacco; and their *private* in-

terests would be affected by the reduction of the duties, and as it is well known that—

When Legislative Councillors are in the case,
All other things of right give place.

So this Bill was thrown out on the principle that half-a-million of people ought to suffer rather than one life Legislator should complain.

18. Six Months Salary Bill.—The people of this Province have been for more than twenty years unsuccessfully demanding a redress of the multitudinous Grievances under which they suffer. They have petitioned—sent home Delegates—petitioned—begged and prayed; but all to no purpose. Finding that their rulers were somewhat like the little boy who was caught stealing the old man's apples, and would not be persuaded by soft words, or clods of earth, the Assembly followed the old man's example, and "tried what virtue there was in *Stones*." They refused the supplies in 1834, and again in 1835. In consequence of this firmness of purpose, a new Governor was sent out, who made the finest and emptiest professions imaginable, and promised the world and all, if supplies were voted. In the midst of this palaver, the Assembly discovered by the publication of the Minister's Instructions to Sir Francis Head, the Lieutenant Governor of Upper Canada, that there was to be no *real* Reform; that all the fine professions were nothing but "blarney;" they voted a remonstrance to the Imperial Parliament, in which they said that they were determined not to be satisfied unless the abuses of which they complain should be redressed, and the changes demanded in the Constitution granted. Being unwilling to embarrass the administration, which made at the time some pretensions to honesty, although it has since thrown off the mask, and now treads in the unconstitutional footsteps of Dalhousie and Aylmer, our Representatives voted a supply for *Six* months only, in order to allow the Government to be carried on until the Minister's opinion would be received. The Legislative Council, however, was not satisfied, and the Bill was kicked out. It was, they say, "a disgrace to "any Country pretending to be civilized," to make use of its Constitutional rights to enforce the Reform of abuses. When the negro was being flogged by the Slave-driver, the latter kept scolding him all the time, to which Sambo objected, saying, "If ye floggee, floggee; but no flöggee and talkee too." Upon the same principle our Representatives have gone. They considered it unfair that the Country should be flogged and obliged to pay also. Whenever His Majesty's Ministers resolve to lay by the cat-o'-nine-tails of oppression and abuses under which the Province at present groans, the Supplies, no doubt, will be "cheerfully" voted, but not until then. We will not pay and be flogged too.

19. Quarantine Bill.—This Province was visited by cholera in the years 1832, 1833, and 1834. The pestilence, introduced by the River St. Lawrence, spread far and wide throughout the neighbouring States and Provinces, and destroyed thousands in the first and last mentioned years. To prevent the desolation being introduced again, the House of Assembly passed this Bill, which was smothered in the Legislative Council. Should the cholera re-visit the Province this year, and again turn our fair country into a vale of death, on those life-legislators be the awful responsibility. On their heads be the consequences. They will have to answer before God and the country, for the lives that may be lost!

20. To change one of the places of poll in the County of Missiskoui.—This Bill was passed on a petition from the inhabitants of the section of the country to which it refers. The Committee on Privileges and Elections had recommended it. The two members of the County were examined before the Committee, and their evidence was in favor of the change of the place of poll from Frelighsburg, which is situated near the boundary line, to a more central and populous part of the County. The Legislative Council, not being in any way responsible to the people, took some whim in their heads, and rejected the Bill. So much for Missiskoui County and its wishes.

21. To reduce and fix the salaries of certain Officers of the Law.—It is calculated that litigation costs the people of Nova-Scotia nearly £20,000 a year, exclusive of the time of Jurors, Witnesses, Clients, Bye-Standers, &c. We know not exactly what the same merchandize cost the people of this Province, but certainly, we believe they pay too dear for their whistle. A Special Committee, of which Mr. Lafontaine was Chairman, enquired, in the course of last Session, into the amount of fees received by some of the Officers of our Law Courts, the result of which was that the yearly incomes of

The Sheriff of Montreal, amounts to	£1999 0 2
Two Prothonotaries (each) . .	1500 0 0
Two Criers———(each) . .	482 0 0
Clerk of Court of Appeals (Quebec)	540 0 0

These emoluments being justly considered too high, the Assembly proposed that the Sheriff's fees be reduced one-third; that the Prothonotaries be reduced in the same proportion, and to

pay £100 to the Crier, and £80 to the Tipstaff; the Clerks of the Peace to be reduced by one-third also, and to pay £30 to the Crier of the Court of Quarter Sessions.

The Bill in question was to carry these resolutions and reforms into operation. The Legislative Council, which threw out the Bill to compel public officers to pay their debts, put this Bill also on the shelf. All Bills having for their object economy in the public departments, or cheap justice for the people, or a diminution of the burthens which they are now obliged to bear, get no quarter in the Legislative Council. ALI BABA would have a better chance with *his* forty thieves, than we have with ours. Until the waters of *Radical* Reform be turned in on the Augean Stable, it cannot be cleansed, purified, or improved. It is for the people, therefore, if they want cheap justice, to insist on an *Elective* Council. Otherwise there is no salvation for them.

23. APPOINTING COMMISSIONERS TO PURCHASE THE SEIGNIORY OF LAUZON.—A Legislative Councillor made away with over £100,000 of the Public money. After ten years struggling and litigation, the Representatives of the people succeed in having a part of his property—the Seigniory in question, seized by the Sheriff, to be sold in liquidation of his debts. In order at the same time that the people should have fair play, and that the property might not be sacrificed, perhaps for the special benefit of some other of the tribe of life Legislators—for there is nothing too small, nothing too vast, for their capacious maw—the Assembly pass a Bill to appoint Commissioners to look after the interest of the public. These Commissioners were authorized to purchase the property for the Province, should they perceive it about to be sacrificed. As the Legislative Council are not *elected* to promote the interests of the people, but nominated by the Royal Prerogative to look after and protect their own interests—to take care of No. 1—they sent this Bill to sleep its long sleep along with the others which they *lynched*. It is more than probable, therefore, the Seigniory of Lauzon will fall to the fortunate lot of some of our Lords—or their favorites; and that the public interest will be but a secondary consideration. This is some more of the fruits of irresponsible Legislators appointed *for life*, instead of being controlled by the wholesome principles of responsibility and periodical *Election*. Our neighbours at the other side of the line manage their matters better. Legislators there are the servants, not the Masters of the people, as they are unfortunately with us.

24. TO COMPLETE THE CHAMBLY CANAL.—This important work was undertaken in order to render the navigation uninterrupted between Lake Champlain and the River St. Lawrence. The whole work, with the exception of *a mile-and-a-half* of excavation, and a few locks, is finished, at an expense of £66,000. The House of Assembly voted £28,000 this year, to complete the Canal. THE BILL WAS THROWN OUT BY THE LEGISLATIVE COUNCIL!

The mischief entailed by the rejection of this Bill is incalculable. In the first place, the £66,000 already expended, will most probably be a dead loss; for private letters published in the Montreal *Courier*, state that the Canal is in many places filled up, by the banks falling in. In the second place, £28,000 is kept out of circulation, to the great injury of the working classes, and of the emigrant population, who, on arriving in the country next year, will be deprived of so much employment, and forced either to go to the United States, or to Upper Canada, where public improvements are carried forward on a great scale.

It is a curious feature in the affair to find the Legislative Council, which has for so many years been vaunted by the Constitutionalists as the friends of Emigration—the friends of Internal Improvements—of Commerce, &c., now opposing the completion of this Canal, so closely allied to the interests of emigration and of commerce. The House of Assembly used to be, it was said, the great enemy of Internal Improvements; of Commerce; and of Emigration. Now, however, they vote £28,000 for the direct promotion of these interests, and the Legislative Council, the strong hold, and last refuge, of all that was for the improvement of the country, threw out the Bill! This truly is a novel way to advance the improvement of the country—to encourage emigration, and to promote the interests of commerce.

But, say the apologists, the Council were friends of the Bill, "but the Governor could not be prevailed on to recommend the measure." What is this but admitting that the Legislative Council is, as we have always asserted, the paltry tool, the sycophantic slave, the impotent screen, of the Executive. If they were friends of the Bill, why did they not pass it, and throw upon the Governor the responsibility of vetoing it? They have chosen to come between the Governor and that responsibility. For the consequences, the country holds them therefore responsible. They have written themselves down SLAVES. They can never at any future period pretend to be an independent branch of the Legislature.

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But it seems that the Governor would not recommend the measure because "there was no *spare* money in the chest." But the Bill provided for this contingency. There was a clause authorising that the amount may be borrowed *on the credit of the Province*. If there was no money in the public chest, the work could still be carried on, for the necessary funds could easily be borrowed. But the apologists reply, this clause was introduced "*intentionally* to defeat the object." Of the "intentions" of the Assembly we can only judge by their *acts*, and certainly it was a curious way to *defeat* the completion of the Canal, to pledge the credit of the Province to the re-payment of the money to be borrowed for that object. Upper Canada is cutting the St. Lawrence Canal, and for that object borrowed on her credit nearly half-a-million. Was this plan adopted also "*intentionally*" to defeat the object of that Bill. What the "intentions" of the Legislature were in authorising the loan, we cannot say, and do not care. All we see and know is, that the Canal is making, and if our Legislative Council had but sanctioned the Bill, and thus permitted the money to be borrowed, no doubt the Chambly Canal would be completed, whatever the "intentions" of the Assembly were. As it is, the Canal is ruined by the servility of the Legislative Council, and their hatred of the people, over whom they ride rampant. We have no need of enquiring what their "intentions" were. We have their *acts* to judge them by. Instead of the Chambly Canal being a source of profit and honor to the Province, it is converted into a monument of disgrace to the Legislative Council, and an additional argument of the necessity of rendering that body Elective. Were they once responsible to the people, they would not dare to insult the community by such tricks, or experiments on our patience, as they have made during last session.

25. To construct a Dam and Lock at St. Ours.—This was another internal improvement smothered by our Life Legislators—our *Lords* and Taskmasters. The River *Richelieu*, for certain months in the year, is not navigable for steamboats and other river craft. It was proposed to build a Dam across the river, and a Lock at *St. Ours*, and thus render the communication between the Chambly Canal and the River St. Lawrence uninterrupted during the entire season of the navigation. For this purpose, £9,000 were voted, which together with £4,000 already granted for the same object, made a sum of £13,000. The Legislative Council threw the Bill under the table, for the same reasons that they *burked* the Bill to complete the Chambly Canal, and thus afforded another proof of their great friendship for Internal Improvements, Emigrants and Commerce.

26. Repeal of several Clauses of the Tenures Act.—The only objection to this Bill that the apologists to the Legislative Council can find is, that it is an attempt at *Imperial* Legislation. Now we are not such *men*-worshippers as to respect what the Imperial Parliament does, if we find it *bad*, and to submit patiently to it because the mischief is theirs. Whatever is mischievous, or injurious to society, or an attack on the Constitutional Rights of the People of this Province, we wish to remove or repel, whatever the quarter be whence it proceed. With a different spirit to this, we would be slaves ; and what's worse, *contented* slaves.

Of the injurious effects of the *Tenures* Act, passed *unconstitutionally** by the British Parliament, we have already spoken in our remarks on the *Agent's Bill* (No 1.) to which we beg to refer the reader. We shall here subjoin the remarks of Mr. Roebuck on the same subject, as they are to be found in the article entitled "*The Canadas and their Grievances*," published in the 2nd. number of the *London Review*.

"It is said that the Canadians are blindly attached to their old French customs . . . . . When we endeavor to learn what these old French customs are, which so much offend these enlightened friends of Canada, they resolve themselves entirely into the tenure of Land now existing there, and it is the supposed attachment to this tenure which has given rise to the extraordinary outcry regularly raised when the subject of Canada is mentioned, either within or without the walls of Parliament. The French Canadians wish, it is asserted, to preserve the mischievous tenure of lands, called the tenure *en fief et Seigneurie*, and this renders it absolutely necessary to perpetuate bad Government in their country, because such a wish is wholly incompatible with the enlightened spirit of the present age. Such are the supposed facts.

"It would be well, in the first place, to understand what the tenure complained of really is ; and secondly, to ascertain the truth as to the wishes of the Canadians respecting it. Lord Stanley, with that peculiar precision and accuracy which distinguishes him, asserted, that there existed in Canada a feudal and barbarous system ; whereupon, without doubt, his hearers fancied that the system prevalent in Europe in the fifteenth and sixteenth centuries now exists in Canada. The tenure *en fief*, in Canada, signifies nothing like it—meaning only that the Seigneur, like a Lord of the Manor, possesses an estate, which in Canada is called a Seigneurie, much like that which in England is called a Manor, the difference being in some matters favorable to the Seigneurie.† Under the Seigneur, there are certain freeholders called *censitaires*. The Seigneur, holding of the King, pays him certain dues and fines; the tenant holding, [for ever] of the Seigneur, pays him a rent. Now respecting this rent, there is no complaint.‡ The obnoxious incidents of the tenure are those of which we are now about to speak. Upon every transmission by *sale* of the *censitaire's* "*holding*," to use an English law phrase, a fine is due to the Seigneur, much in the same manner as in England is the case with Copyholds. The fine is one twelfth of the purchase-money ; this fine is termed *lods et ventes*. Besides this, the Seigneur, if he pleases, may himself take the land, paying the whole purchase money ; this is called his *droit de retrait*. Furthermore, the *parens* [relations] in certain degree, of the *censitaires*, have also the power of preventing the estate going out of a family, if they please, by themselves purchasing it. This is called the *retrait lignager*. The Seigneur has, also, within his Seigneurie, the exclusive right, under certain conditions, of grinding the corn of his tenants. This last power exists in many places in England.

"Now that this tenure is a bad one, we acknowledge ; the Canadians acknowledge the same. It is chiefly bad for the same reason that tithe in England is bad. It taxes improvement. But because the tenure is a bad one, that is no reason for robbing the Seigneur, by depriving him of his rights without a fair compensation ; neither would it justify the interferance of persons ignorant of the laws of Canada, who by their ill-judged endeavors to remedy the evil, would create one yet more mischievous. The Canadians, by their representatives, say that they are exceedingly desirous of rendering this tenure of land a beneficial tenure ; they are willing, and even desirous, to devote their best endeavors to that end ; but they most strenuously deprecate the interference of the Imperial Legislature in such matters, and assert that by the ignorant attempts of our legislators on this side of the atlantic, they have been deprived of

* "Parliamentary Legislation on any subject of exclusively *internal* concern in any British Colony possessing a representative Assembly, is, as a general rule, *unconstitutional*."—Lord Glenelg's *Instructions to Sir Francis B. Head, Lieutenant Governor of Upper Canada, dated Downing Street, 15th Dec.* 1835.

† The Seigneur has no jurisdiction of any kind, like the Lord of the Manor, though Lord Stanley seemed to suppose that he was still a Judge as well as Landlord. It would be well also to remark that the Seigneur is obliged, by the French law, if he have any wild lands unconceded, to concede a certain portion of it on demand, and at a certain quit rent, to such persons as may require to settle on it. The proprietor of free and common soccage lands is not under the same obligation.

‡ Except in Seigneuries held by English Seigneurs, where the rent [*cens et rentes*] exacted are excessively high, and oppressive to the *censitaires*. Various instances might be cited.—*Editor.*

the power of effecting the end desired. The case of the tithes in England is one precisely analogous to this of the tenure *en fief* in Canada. The English demand a change of this property; the Legislature desire to change it; but it is said that there are great difficulties connected with the subject, and therefore delay has arisen. The case has been precisely the same in Canada. The tenure *en fief*, be it remembered, is not obnoxious on the additional ground of being a tax for service, which in some cases is not desired and in others not rendered; therefore, in this case, there is not the strong and pressing reason for immediately changing it, which exists in the case of tithes. Moreover, the great body of the people are willing that their Representatives should act with care, and without haste; they do not press them to hurry on a change; they are willing to wait until all precautions shall have been taken to render the change efficient and beneficial. But suppose that some one should state that the delay on the part of the English Parliament respecting tithe, was a proof that they were attached to old and mischievous Institutions; that they were wholly behind the present enlightened age; and that, therefore, we should solicit the assistance of the CONGRESS of the UNITED STATES to aid us in legislating on the matter of tithe. Such a proposition would very properly be scouted, and on the same grounds as ought to have been the interference of the English Parliament in the matter of Canadian Tenures.

"While the peculiarly enlightened friends of Canada are complaining of these Tenures, and attempting to remedy the evils arising from them, they have by their attempts introduced a greater mischief than any that could result from the existence of the old Law. By introducing the law of England, they have produced so great a confusion in the Law, as to render every title insecure, and further, *they have introduced the right of* PRIMOGENITURE. This right is contrary to the prevalent feelings of the people of AMERICA; it is contrary to all the Institutions of the land, and creates disgust among all classes of the People. The House of Assembly, therefore, feel themselves justified in resisting the interference of England, and are not fairly chargeable with bigoted adherence to their own customs, because they will not consent that persons ignorant of their Institutions and circumstances should attempt to improve them."

JOHN STEPHEN, Esquire, late Counsel to the Colonial Department, and since appointed to succeed Mr. HAY in the same Department, on being examined, on the 24th June, 1828, by the Committee of the House of Commons on Canada affairs, touching the inconveniences arising in the country from land being held under different Tenures, gave it as his opinion that serious impediments to the right execution of the law would arise in a country like Canada, when to the difference of Tenure you superadd all the consequent varieties between the modes of conveyancing, and between the rules of law applying to a French *fief* and an English freehold.

This gentleman does not apprehend any difficulties to arise as to the law of descent, were the Canada Tenures Act not to have been passed, and the law to revert to the state in which it stood before the enactment of that Statute "The French law of descent, whether conve-" vient or otherwise," he says, "is at least intelligible and well known. Supposing on the other hand that the English law respecting real property, in all its strictness, has been induced upon the soccage lands in Canada by the Tenures Act, the difficulties will, I apprehend, be found quite insuperable . . . . . I suppose that the Courts in Canada would be somewhat perplexed if they had to try a real action, or to apply the law of contingent remainders to the lands in these Townships. There is no end to the illustrations. What would they make, for example, of a term of years in trust to attend the inheritance?" "Wherever English colonists," says the same gentleman, further down, "find any of the continental codes in force respecting the conveyance of land, they have clung to it with great eagerness, and have congratulated themselves on their deliverance from a heavy burthen. This is especially the case with the Dutch law in Demerara, the Spanish in Trinidad, and the French in St. Lucia."

Mr. STEPHEN is next asked,

"In those Colonies where the Dutch law, and different foreign laws exist, do they exist concurrently with English law?—No; all the lands in Trinidad are holden under Spanish law; and in Demerara, and the Cape, under Dutch law. This applies even to lands granted by the King of England.

"Is there any Colony in which the same Courts decide upon questions of English form, and upon questions as to the form of any other country?—I do not think there is any colony in which the English law exists concurrently with a foreign law. Each form may come into question in the Courts, incidentally, and indirectly, but never as an established part of this judicial system.

"Is it your opinion that upon *all* those questions, complicated as they are, with regard to the *tenure* and transmission of property, the Colonial Legislature, with the advantages of their local knowledge, are much more competent to decide than the British Legislature?—I cannot suppose any man, at all conversant with the subject, hesitating respecting the answer to that question. Except there be a well-founded distrust of the disposition of the Colonial Legislature to do right, no plausible reason can, I think, be suggested, for taking this work out of their hands. *They are incomparably better qualified for it than you can be.* What should we think of the Canadian Assembly passing Acts for the improvement of the law of real property, and conveyancing, in this country! yet I suppose they understand our system of Tenures at least as well as we do theirs."*

* *Vide* evidence of J. STEPHEN, Junr., Esqr. before the Select Committee of the House of Com-

From the above opinions of gentlemen conversant with the question, and with the injustice committed, and the baneful effects produced, by the passing of the Tenures Act by the Imperial Parliament, some idea may be formed of the necessity there exists to repeal that Act. The laws regulating the titles to property have been disturbed; forms unknown to our Courts have been introduced; primogeniture has been established; and, according to Mr. Justice GALE, the English law, with all its unintelligible and intricate "incidents," has been introduced. It cannot be considered strange, therefore, if the representatives of the country have complained of these unconstitutional encroachments, and endeavoured to get rid of an Act producing and entailing so many unfortunate consequences.†

The Canadians were told by His Excellency the Governor in-Chief, at the opening of the last session of the Provincial Parliament, "not to fear that there is any design to "disturb the form of society under which they "have so long been contented and prosperous. "However different from those of her colonists in "other parts of the world, England cannot but "admire the social arrangements by which a small "number of enterprising colonists has grown into "a good, religious and happy race of Agriculturists, remarkable for their domestic virtues, for a "cheerful endurance of labour and privations, "and for alertness and bravery in war. There is "no thought of endeavouring to break up a system "which sustains a dense rural population, without the existence of any class of poor."

"The form of society" so long producing such contentment and prosperity, *has* been disturbed; "the social arrangements" *have* been thrown into disorder; the British Parliament, we impeach of "a design"—of having "endeavored," by the passing of the Canada Tenures act, to break up the system so lauded by Lord GOSFORD, by command of Lord GLENELG; and whilst they persist in retaining that Law on the Statute Book, their professions will be considered as the professions of hypocrites, and will only furnish proofs of their insincerity and dishonesty. If they mean what they say, let them repeal the obnoxious statute, which the Assembly of this Province has attempted to do, but which the Legislative Council—the creature—the mouth-piece—the slave, of a dishonest and hollow hearted Executive, has prevented them from doing. Over and over again has the repeal of that act been demanded by humble petitions both by the people and their Representatives. In return for their prayers, they get mouthfuls of unmeaning professions, which only expose the dishonesty of that Cabinet and Government which can readily make them but cannot be got to act up to what they professs.

A cry, we know, has been raised by the political enemies of the Assembly, that by the repeal of this act they wished to change the Tenure of Free and Common Soccage Lands in the Townships into that under which Lands in the Seigneuries are held. Nothing can be more false than this accusation. In the first place the Canada Tenures Act does not affect the *Tenure* of Free and Common Soccage Lands in this Province at all. Its provisions apply to the Seigneurial Lands, the Tenure of which it is thereby intended to convert into that of Free and Common Soccage. It was for the Seigneurial Lands it was passed, and not for those held in Free and Common Soccage. The Free and Common Soccage Tenure was established long before the existence of that act. It existed before any such statute was on the Book. Moreover, there is a similar Tenure in the French law. The repeal of that act therefore could not in any way affect Free and Common Soccage Lands. Under these circumstances, nothing could be more false—nothing more malicious—nothing more directly contrary to fact—than the assertions which the enemies of the Assembly have made, that by the repeal of the Canada Tenures Act it was intended to change the Tenure of the Township Lands from Free and Common Soccage into that under which Lands in the Seigneuries are held. The people of the Townships are contented and happy under the Soccage Tenure, and demand no alterations therein. The same freedom of opinion—the same privilege of judging what is for their good, which they demand and possess,

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mons on the Civil Government of Canada. Vide also Mr. JOHN NEILSON's evidence before the same Committee.—Ibid. p. p. 80, 81, 95.

† The laws which regulate a man's property, which regulate the inheritance of his children, and all that, are always dear to every people, they must be very bad laws indeed if people do not get attached to those laws under which they have lived for a great length of time, and under which they have enjoyed the security of their property. The moment you talked about changing the laws, that moment there was an alarm excited throughout the country; it would be the same thing if you talked of changing the laws that regulate property in England or Scotland.

Do you allude to the Act called the Canada Tenures Act?—Yes.—*Evidence of John Neilson, Esq. before the Canada Committee*, 1828.

the Canadians desire. That is, the free and undisturbed existence and possession of that Tenure and system of law with which they are acquainted, and "under which they have been so long contented and prosperous," and as they are unwilling to disturb others in their property, they demand that they be not disturbed by others in the possession of theirs. This is but justice. "Of their laws of succes- "sion, of Tenures, and all others bearing on "their domestic and personal condition," says Mr. JEREMIE, late Attorney-General of the Island of Mauritius, speaking of the inhabitants of that ancient French Colony—"that is "best which pleases best; let them then retain "theirs as long as they think proper. Every "stranger settling permanently in a country is "bound to concede much, and make himself "sufficiently acquainted with the practices and "usages of that country." The same sentiments do we echo in regard to the Laws of Succession and Tenure in this Province; that is best which pleases best; let the Canadians therefore retain theirs as long as they think proper. Should any imperfections exist, no doubt they who are most interested will soonest discover them, and be the first to remove them for their own sakes. To this however the repeal of the Canada Tenures Act must be a preliminary step, for so long as that is on the Statute Book, there is no security against further unconstitutional encroachment—there is no security against further unconstitutional Legislation on the part of Great Britain. The evil consequences of this, as regards the Tenures in this Province, we have endeavored to point out to the best of our ability in the preceding remarks. We trust they will sufficiently explain the paramount reasons which the Assembly of this Province had for introducing and passing the Bill under consideration. The security of the people's property, and of their own independance, required it. The same reasons no doubt urged the Legislative Council to reject the measure.

27. TO CONTINUE THE ACTS INCORPORATING THE CITIES OF QUEBEC AND MONTREAL.

"Municipal institutions (says M. de TOCQUE- "VILLE) are to liberty what primary schools are "to knowledge; they bring it within the reach "of the people, give them a taste for its peaceable "exercise, and practice in its use. Without mu- "nicipal institutions, a nation may give itself a "free government, but it has not the spirit of free- "dom. Transient passions, momentary inter- "ests, or the chance of circumstances, may give "it the outward forms of independence; but the "despotic principle, which has been driven back "into the interior of the body politic, will sooner "or later re-appear at the surface."

Mr. PETER MCGILL and Mr. GEORGE MOFFATT were in 1827, no doubt, of the same opinion as Mr. de TOCQUEVILLE, for we find the former gentleman proposing, at a meeting of Magistrates held on the 16th Dec. 1827, in the Court House of this City, that a public meeting of the citizens be held on the 4th Jan. following, "to take into "consideration the propriety of petitioning the "Legislature for the incorporation of the City of "Montreal," which motion was seconded by Mr. GEORGE MOFFATT, and carried. On the 4th Jan. 1828, the Meeting was accordingly held, Mr. GEORGE MOFFATT in the chair. The following account of this important meeting we find in the papers of the day.

"Mr. PETER MCGILL opened the business of the meeting by some *excellent, judicious*, and *lucid* observations on the subject for their consideration. He dwelt in a forcible manner on the several advantages which have accrued to cities that enjoy an *elective* corporation. He instanced many cities, and cited many authentic facts. He urged that it was the duty of the citizens of Montreal to obtain for themselves also the the advantages of such a regimen. *Even if there should in the beginning be some slight difficulties in the practice of details, experience would soon relieve them*, especially as the citizens could not but be zealous, observant, and attentive in the conduct of a system intimately involving their comfort, their conveniences, and the security and value of their properties.

Messrs. VIGER, PAPINEAU & ROLLAND addressed the meeting, as did Mr. GEORGE MOFFATT. This Gentleman spoke with great good sense and judgment."

The Resolutions which were adopted by this meeting were proposed by Mr. MCGILL. After reciting the various inconveniences which were experienced under the old system—under the system to which we are on the eve of returning—Mr. MCGILL proposed "that the inhabitants of "the City are the best judges of what is neces- "sary for the promotion of its prosper- "ity; that in other countries, particularly in "the United Kingdom, great public benefit is "acknowledged to have arisen from the mea- "sure of confiding to the inhabitants of Towns "and Cities, the care of regulating their mu- "nicipal interests, and that the establishment "of an Elective Corporation for Montreal "would accelerate its general improvement, "tend to the better regulation of its Police, and "correct what is at present defective in the ad- "ministration of its fiscal concerns," which resolutions were duly seconded and carried, and a petition to the Legislature drafted accordingly.

In the course of time, the Act of Incorpora-

ion was granted—and being about to expire, a Bill was introduced and sent up to the Council to improve it. This Bill was altered in such a manner as to be totally unmanageable. Seeing this, the Assembly passed the Bill, now under consideration, simply to continue the expiring Bill, acting on the MOFFATT and MCGILL principle, that "the citizens are the best judges of what is necessary to promote the prosperity of the town," and that the establishment of an Elective Corporation would accelerate the general improvement of the city, tend to the better regulation of its Police, and correct what is defective in the management of its fiscal concerns. But—*varium et mutabile semper*—Messrs. MCGILL and MOFFATT oppose, in 1836, what they advocated so warmly in 1827 and the Bill to continue the Corporation Acts was *lynched* accordingly.

Such are the sort of Legislators with which Lower Canada is afflicted. The astonished Public, no doubt, would wish to know what could be the cause of this strange inconsistency; this opposition to the measure of which eight years ago they were so much in favor. Eight years ago, Messrs MOFFATT and MCGILL were but simple Citizens, ambitious of popularity, and dependant on public opinion for any weight they might have either with the Executive or society. Now the same Gentlemen are Legislative Councillors *for life;* irresponsible to the people; independant of, and uncontrolled by, public opinion; and possessing influence with the Executive, not by virtue of their popularity, or of the respect in which they are held by their Fellow-Citizens, for they are above that, but by virtue of the sheepskin mandamuses which they hold for life from the Royal Prerogative. They accordingly consider themselves entitled to oppose, in 1836, what they supported in 1827. Such are the baneful effects of irresponsible power. It is not only the cause of direct and practical injury to society, but it is also destructive of the character of the individuals unfortunately invested with it.

28. CONTINGENT EXPENSES OF THE LEGISLATURE.—In 1834 and 1835, Lord AYLMER refused to advance the money necessary to defray the Contingent expenses of the Assembly, until that body should cover by Bill a few thousand pounds which had been already advanced. The Legislative Council party supported Lord AYLMER's determination. The House introduced a Bill last Session to cover the Contingencies advanced since 1832, the period when the last Supply Bill was passed, including the £22,000 advanced this year by His Excellency Lord GOSFORD. Strange to say, the Legislative Council refused to pass the Bill to cover those Contingent Expenses, notwithstanding they and their party, with Lord AYLMER at their head, have been so clamorous about them. Like the Soldier at the triangles, there is no pleasing them, strike high or strike low. If the Bill is delayed, they become clamorous; if passed, they reject it. Was ever caprice equal to this?

29. TO LIMIT THE NUMBER OF PASSENGERS COMING IN VESSELS.—There never was a Bill, the passing of which would have been more acceptable to the friends of humanity, than this. The miseries experienced by Emigrants from the old country, in their passage out to the Colonies, have been in many—alas in too many cases, of so distressing and loathsome a character, that the traffic of transporting persons to AMERICA has long been known, says Mr. MCGREGOR, in his "*British America,*" (*a*) by the emphatic cognomen of "the *white* slave-trade." "A ship of the worst class," says the same author, "ill found with materials, and "most uncomfortably accommodated, is chartered to proceed to a certain port where the "passengers embark; crowded closely in the "hold, the provisions and water indifferent, "and often unwholesome and scanty, inhaling "foul air, generated by filth and dirt, typhus "fever almost inevitably is produced, and, as "is well known, many of the passengers usually become its victims." The instances cited of the sufferings of Emigrants, in consequence of the avarice and greedy desire of gain which prevails over all feeling of humanity, in the persons engaged in this traffic of human life, are most numerous. We shall cite a few.

"One vessel under 120 tons, sailed for one "of the Colonial Ports with 100 passengers. "It had also a cargo of salt, which left only a "space of three feet between the cargo and "deck. The weather during the passage was "such, that for two weeks the hatches were "not opened, at which time two thirds of the "passengers became afflicted with dysentery "and typhus. This vessel, when it arrived, "was in as appalling a state as that of any "slave ship that ever left the Coast of Guinea. "The very salt was impregnated or covered "over with loathsome filth to the depth of two "or three feet. The dead, dying, and sick, "presented a most shocking appearance. Some "died on the passage, others in the harbor.

(*a*) vol. 2. p. 528. Edition, 1833.

"Forty men and ten women were sent to the "Hospital, of whom twenty died."

Scenes almost equal to this have, in the memory of many, occurred on board Emigrant Ships which arrived in this Province in 1834. Whoever wishes for proofs, has only to turn to the "Report of the Sanitary Committee of the city of Montreal upon Cholera and Emigration, for 1834." "Brigs of 200 tons are constantly advertised," says the Report, "as of 500 tons, and ships of 400 tons as "vessels of from 800 to 1000 tons." "It is a con- "stant occurrence that the number of passen- "gers exceeds that which should be allowed "to a vessel, according to her register, or to "a regard to the health, convenience and "comfort of the people on board." Two vessels arrived at Quebec in the year above mentioned; one was of 440 tons, and had nearly 500 passengers, the other was of 340 tons, and had 368 passengers. "Both these vessels had berths down the centre, with a passage between of only two or three feet. Whole families of eight or ten souls were lodged in a berth, where they were obliged to eat, having no room elsewhere. The stench and foul air were described as intolerable. A great number of deaths occurred among the passengers by these vessels."

With facts before them of such a nature as these, the Assembly would have been culpably negligent had they not endeavoured to put a stop to such shameful disregard and sacrifice of human life. In the United States, a law has prevailed for a long time, regulating this trade, the effect of which has been that suffering among passengers arriving at those ports is never heard of. No instance has been known of a case of asiatic cholera having been brought to the States from beyond the seas. The misery apparent on board an Emigrant Vessel coming up the St. Lawrence, is, on the other hand, familiar to all, and our country has been ravaged by cholera twice imported from beyond the seas.

The United States law was taken for the basis for the Bill introduced bp Mr. LESLIE, allowing two passengers to every five tons Those interested in loading Vessels coming to this Province with human beings, and for whose health or comfort they care not a stiver so long as they can make money, say that the Bill would have the effect of checking Emigration. "So great is the "amount of Tonnage now employed in the Canada "trade," says the Report above quoted, "that "though the number of passengers was even lim- "ited to one for every six tons, there would b "still sufficient to transport a greater number o "Emigrants than have arrived at Quebec in eithe "of the two past years." The Legislative Coun cil have with their usual wish to promote the public welfare, thrown out this humane Bill, for what reason we scarcely know. It is said to be a favorite measure of Mr. LESLIE's, & they call it an attempt at *Imperial* Legislation. If they refuse the Bill for no other reason than that it is a favorite with Mr. LESLIE, they prove most conclusively what sage Legislators they are. As for the *Imperial* part of the objection, we doubt if the emigrant or the colonist would care much where the idea came from, of limiting the rapacity of the traders in human flesh, so long as the poor passengers' health was protected, and the Province preserved from periodical desolation. The truth is, there are some in that Legislative Council who consider it more their duty to protect the interests of traders and speculators at the other side of the water, than of the people of this Province. *Money* is their GOD, and they care not who suffers, so long as they and their friends are unscathed in purse or prospects.

30. DUEL BILL.—To prevent the effusion of human blood. The *Honorable* Council being the guardian of all "affairs of honor," threw this Bill out to keep company with the Quarantine law, and the Passengers' Bill, which provided for the security of the public health. Oh! how grateful must all widows and orphans be to our Legislative Council. GIL BLAS informs us that Dr. SANGRADO made, in the course of his practice, as many widows and orphans as were left after the siege of Troy. Should our Life-Legislators continue *their practice* much longer, we would not be surprised to learn that they outrivalled in their list of slain even SANGRADO himself.

31. COMMISSIONS of LAWYERS.—By the present system, Lawyers hold their Commissions (*risum teneatis*) during pleasure, and are obliged to pay 3 Guineas for each of the aforesaid Commissions. This Bill provided that they should get their Commissions for a few dollars, and that the objectionable tenure should be done away with. The Legislative Council put the Bill on the shelf. It touched the pockets of some of the office-holders, by diminishing their fees; and as the Council protect the office-holders against the people, and not the people against the office-holders, the Bill was naturally thrown out.

32. CLOSING OF INVENTORIES.—When a man dies, possessing property, his widow or execu-

tors are obliged now by Law to have an Inventery made of all the property by a Notary, who administers an oath obliging the person to make a true return, and not to conceal any thing. This Inventory is returned to the Court of King's Bench, where the person (widow or otherwise, as the case may be) is obliged to attend to make an affidavit before the Judge that she has given in a fair return, and concealed nothing, and that should she at any future time discover that any thing was omitted, she will make it known. Well, to take this second oath, persons in the country parts have to come to town to the Judge—some from a distance of 30, 40, 50, or 60 miles, at a good deal of expense both of money and time; and moreover, when they do come, they have to pay a fee to the Prothonotary, for some writing or other. It was to remedy this onerous and expensive proceeding, that the Bill for the closing of Inventories was passed by the Assembly. By this Bill it was provided that the parties could settle all their business without leaving home. The Notary was empowered to do what the Judge does now. By this means, the journey to town—the money—the time—and the trouble—were all saved. How came the Legislative Council, then, to *burke* so useful a Bill? Not even its apologists can tell. They observe a remarkable and a very proper silence on the subject.

Amended Bills.

Having disposed of the Bills rejected by the Legislative Council during the last Session, we now proceed to the next class; viz. those amended by the Council, and consequently lost.

1. Relief of certain Religious Congregations.

2. Erection of Parishes.

These two Bills may be placed together, for in each the Council introduced the amendment that was fatal to both. The House of Assembly has always been the friend of freedom of conscience, and maintained that all Religious Communities should be on an equality in the eyes of the law. The Legislative Council are, on the other hand, great sticklers for Church-and-State, and accordingly slipped into each of the Bills under consideration, an amendment, tending to recognize the Church of *England*, as the Established Church! Oh! stop a bit, says the House of Assembly; do not be trying to get over the other Religious Societies that way. That church has already managed to seize a *seventh* of the Public Lands as Reserves—to minister to its worldly wants. Not satisfied with this holy robbery, its friends in the Legislative Council want to give it the power to put its foot on the necks of all the other Churches and Religious Congregations. It cannot be admitted. So these Bills fell through in consequence of the "Church and State" amendments of the Legislative Council.

3. The Improvement of the Montreal Harbor Bill.

Who has not heard the history of the famous Dredging Machine? The Assembly voted a sum of £3,000, in 1830, to obtain a Dredging Machine, to clear the Harbor of Montreal. The Hon. George Moffatt, Member of the Legislative Council, was appointed one of the Commissioners. In that capacity, he, with his confreres, called for tenders to ascertain at what price the machine could be had in this city. (18 horse power.) Messrs. Ward & Co., skilful and most respectable workmen, offered to make the Engine and machinery for £1500. Messrs. Bennett and Henderson, another respectable firm, offered another estimate, including chains and anchors to moor the vessel, for £3000. A vessel to receive the machine was offered for £1,050 cy. The Governor said he was glad to find that the work could be done in Montreal, and empowered the Commissioners to close the bargain, at the same time expressing a hope that the work would be in operation in the spring of 1831. Instead of ordering the machine to be made, the Commissioners patch up something very like a cock-and-a-bull story about "a recent improvement in the Clyde," and deem it advisable to postpone closing the contract with any of the Montreal manufactures. In the meantime, letters are sent to New-York, and learn that a Dredging machine will cost $12,000 delivered at St. Johns. Letters are also despatched to London, and they are informed that the price there would be about £2,700 to £3,150 sterling. The Montreal manufacturers, finding that the Commissioners were only trifling with them, advised them, in the fall of 1831, that they declined undertaking the work. The truth was, they would have executed their contract in the spring of that year, but the Commissioners fiddle-faddled in such a suspicious manner, that work crowded in on the firms, and they had as much business to attend to as they could get through, and therefore very properly left the gentlemen Commissioners to shift for themselves.

Representations were then made to th Legislature, that the machinery could not be got in this country!!! and that £1,500 more would be

required. This sum was accordingly voted, and spent with a exception of a few pounds. Thus Mr. MOFFATT and the other Commissioners, stand charged

1st. With wasting several years in getting this Dredging Machine under weigh, when it is on record that they could have had it in operation in the spring of 1831.

2ndly. With having sent the money to "their Correspondents" in London, and getting the work done there for a great deal more than they could have got it done in Montreal, thus committing a wilful waste, sending money out of the country, and discouraging colonial industry.

3rdly. With having thus caused a large *pecuniary* loss to the Province, besides the loss which commerce has sustained in not having the Harbor improved.

Taking all these matters into consideration, the Assembly resolved that other Commissioners should be named to superintend the Montreal Harbor improvement, for Mr. MOFFATT, and his brother Commissioners, had shewn themselves guilty of gross neglect of duty, and incapacity, if not of something worse, and therefore unworthy of any further public confidence. The House, almost every year since, has passed Bills to complete the Harbour improvements; to finish the Quays and to dredge the Harbor. According to the practice prevailing in England and in the sister Colonies, and to secure the Province from any further loss by the misconduct of interested individuals, the Commissioners were named in the Bill. The Legislative Council, of which Mr. MOFFATT, the interested party, is a member, have constantly refused to pass this Bill, for as we have repeatedly said, when a Legislative Councillor is in the case, all other things of right give place. The improvement of our City, aye, and of the country, must stand still, rather than the vanity, egotism or selfishness, of this individual should be touched.

And this is the Body which gabbles about Internal Improvement; blubbers about being the friend of Emigrants and of Commerce. For three or four years has the improvement of our Port been arrested by the vanity of *one* man. The Assembly have, year after year, passed the Bil for completing our Quays. The Legislative Council have as constantly destroyed the measure. Who then are the enemies of Commerce? Who the Anti-Emigrants? Who the impediments in the way of Internal Improvement? The Assembly which pass the Bill for expending £10,000 in the City, or the Legislative Council which destroys the Bill?

By the destruction of the Harbor Improvement Bill, the Dredging Machine is nullified. The Bill provided that the latter should be under the superintendance of the Commissioners of the Harbor. Now the first Bill having been destroyed by the Council, there are no Commissioners in existence; consequently, the Dredging Machine will have to remain idle. Such are the fruits of our irresponsible Life-Legislating system. Had the people the election of these gentry, they would not play this game twice.

4. JURY BILL.—By the common law of England, the Sheriff is obliged to draw Juries from the body of the District, so that justice may be administered impartially to the subject "by his peers." Sheriffs, however, in Canada, have not regularly observed this rule. They summon whomsoever they choose to serve on Juries; and the consequence is, that we are yearly exposed to that curse of society, *packed* juries; and the liberty and life of the subject is constantly exposed to suffer from the whims, the caprices, or the corruption, of Sheriffs dependant for their lucrative situations on the will merely of the Executive. A state of things such as this is not only dangerous, it is disreputable. Of such moment was it to have the summoning of juries discreetly and properly regulated by law, that Sir ROBERT PEEL devoted much of his attention to the subject, and eventually had an Act passed for the impartial empannelling of jurors.

CANADA, has ever been, with the exception only of a few years, the victim of *packed* juries. During Sir JAMES KEMPT's administration, an Act was passed extending to the Province the benefits of Sir ROBERT PEEL's Bill Instead of placing on the jury whomsoever a corrupt Sheriff pleased, this Bill provided that lists should be regularly and indiscriminately made out, of those who were qualified; a certain number of names drawn from these lists were deposited in a box, from which the names of the jurors should be drawn by ballot. By this means a jury could not be *packed*. This Bill being about to expire in 1835, it was proposed to be renewed by a Bill renewing all the expiring laws. The Legislative Council amended this Bill by *striking out the Jury Bill* from the renewing Act. In 1836, a Jury Bill was sent up again. It was passed by the Assembly on the 16th February. On the 16th March, four days before the prorogation, it was returned with the most aristocratic, *partial*, and *exclusive*, amendments. By these, no person could be a Grand Juror unless he owned real estate in the city of Quebec or Montreal to the value of £1,000. Whilst at the same time any tenant paying £80 a-year rent, could be a

Grand Juror. Out of these cities, qualified persons should own real estate to the amount of £600. The inequality and injustice of such provisions are evident to every person who knows anything of the state of the country. The qualifications for petit jurors were equally objectionable.

Lest however there should be a chance that even these amendments would be accepted, the Bill was carefully kept back until the patience of the members was worne out, and a quorum no longer remained in town. For several days the members did defer their departure from day to day, in the hope that the useful Bills which had been sent up would come down in due time for their consideration. But seeing that they were daily undergoing the usual process of mutilation, and that the Jury Bill was exposed to the same process, the quorum broke up, but not until the members had learned that the Council had made such organic changes in the measure as could not be assented to. Some days after the quorum broke up, and when the Council saw that there was no danger even of the mutilated Bill passing, they sent it down with its amendments, which filled almost as many skins of parchment as the Bill itself. The inhabitants of the Province are thus for a longer time exposed to be victimized, either in their lives or liberties, according to the will of a Sheriff dependant on the Executive for his place, who is at full liberty to *pack* juries, either to satisfy his own, or his employers' vengeance.

5. Amending the Act relating to Elections.—On the 30th of last November, the Governor-in-Chief sent down a message to the House of Assembly, bringing under the consideration of the House "an objection which exists to the 18th clause of the Act passed in the session of 1834, to regulate the manner of proceeding upon contested Elections of members to serve in the Assembly." This clause provides for the continuance of Election Committees after the close of the session, and was recommended to be repealed in the following words:—

"The Governor-in-Chief, to insure the retention of the Act, to which IN NO OTHER RESPECT *is there any objection*, recommends that a short Act should be passed repealing the clause in question."

The Assembly, in conformity with the message, passed the Bill under consideration, to repeal the objectionable clause, thus complying with the desires of the Colonial Minister. Nothing remained therefore for the Legislative Council, but to concur in the Bill. So far from so doing, the Council proceeded to amend the Bill, to which His Majesty's Government declared there was no other objection, by extending to co-proprietors and co-tenants the right of voting. It was remarked that co-heirs had the right to vote, and the objection was made that this was a privilege enjoyed by only one party. To counterbalance it, therefore, the Bill was amended by the Council. This was a most singular argument. It was admitting that the Tories could not have, or did not leave "co-heirs," a disadvantage for which they must blame Providence, and not the House of Assembly. The Council's amendment, in the next place, opened the door to a great deal of fraud, and furnished the means of splitting votes in a fraudulent manner. How many public institutions are there owned by share holders, each one of whom, by this amendment, having a few pounds interest in the institution, would have a right to vote. Various other objections were made at the time to the amendment.

Instead of explaining the nature of the Council's alterations, the apologists for that body confine themselves solely to sincerely hoping "that His Majesty will now disallow the unjust act which it was intended to amend." Why should His Majesty disallow it? It was not the Assembly's fault if the wishes of His Majesty's Government were not carried into effect. The Assembly, in compliance with the Governor's Message, repealed the 18th clause. The Assembly were told, at the same time, that His Majesty had no objection to any other part of the Bill. If therefore the views of His Majesty's Government were not carried into effect, it was the fault of the Legislative Council, and of that body *alone*. They travelled out of the record by introducing their amendment; and we have to repeat, that theirs is the fault if the wishes of His Majesty's Government were not carried into execution.

6. Permanent Encouragement of Education.—This Bill went to allow the Trustees of the several schools to be invested with the property of the School House and ground on which the building may be erected. Having no corporate existence, the Trustees at present cannot hold School Houses for public purposes; and now that the Education Law is about to expire, a great deal of confusion will follow, which confusion and difficulties it was the object of this Bill to obviate. It was carried up to the Council on the 25th January, and retained there until it was known that there was no longer a quorum below stairs. It was returned *amended* on the 15th March, nearly *two months*

afterwards! What the amendments were, it is unnecessary to enquire. The Bill has been sent up hitherto, Session after Session, and each Session it failed for some reason or other. Had the Council been sincere in their desire that the Bill should pass, even with their amendments, they could have sent it down on the 15th February, instead of the 15th March. It is evident, from their retaining the Bill, until the quorum broke up, that these *friends* of Education only adopted another plan to destroy the measure.

7. Judicature Bill.—Year after year all parties have been crying out against the wretched judiciary system in force in this Province. From the Court of Appeals, down to the Inferior Court, "the law's delay" has been a constant theme for complaint. The Bill before us provided for the establishment of a well-regulated Court of Appeals, instead of the irregular concern which the Province is afflicted with at present, where people appeal from one Chief Justice to another. By this Bill, four new Judges were to be appointed, and the Judges who were to preside in the Criminal Court, were to be Judges in the Court of Appeal for *civil* cases. The Judges who preside in the Civil Courts were, out of Term, or in vacation time, to go on the circuit, through the Districts, so that cheap Justice should be administered to the people at their doors, instead of the people being obliged to come to town in search of dear law, as they now are obliged to do.

To this Bill the Legislative Council made a host of amendments, in which the circuit arrangement made by the Assembly was entirely upset and deranged.

In addition to this, a rider was tacked to the Bill by the same body, providing that the Bill should not become law until the Judges had been rendered "independent." This was perhaps one of the most singular amendments that was ever begot by the wise old ladies of the Council. What is the legal meaning of the word "independent" in the rider? Who was to be the authority, or tribunal, to declare when the Judges would have become "independent?" Let us suppose for an instant that the rider was agreed to, and the Bill as amended had passed, and that it was to be law when the Judges would have been rendered "independent!" When was the Act to take effect? Who was to determine that the Judges had become "independent," and consequently that the Act was in force? Who was to declare in what consisted the "independence" of these functionaries? Was it to be the Executive? The clause did not say. Was it to be the Colonial Office? No knowing. Was it the Judges themselves that were to be judges of their own "independence?" Deponent saith not. Again, in what was to consist their "independence?" Was it in receiving their salaries from the Governor, without the consent or vote of the House of Assembly? In this case, they would be "independent" of the Assembly. Was it in having their salaries voted permanently, whilst their Commissions would continue to be during pleasure of the Crown? In truth there is no knowing. The rider was one of the most unbecoming and disgraceful clauses that ever issued from a legislative body. A schoolboy would have deservedly been birched had he written such nonsense; and yet the legal existence of an Act affecting so much the interests of society was to depend on such unmeaning words! The amended Bill was very properly laid aside. If the members of the Legislative Council cannot write sense, the sooner the people replace them by persons who can, the better for the community—the sooner will the Judicature of the Province be improved.

8. Sole Leather Inspection.—Complaints were made to the Legislature that the public is subject to fraud in the present state of this trade. Leather, by certain management, being made to imbibe a great degree of moisture, by this means the weight is evidently increased, and the purchaser made to pay for a pound of *water* as much as he pays for a pound of Leather. By the Bill in question, it was provided that Sole Leather should be regularly inspected, and weighed by proper officers, who should mark on the hides the weight thereof. The purchaser would thus pay only for leather, and not be obliged to pay for salt and water.

By the Legislative Council's amendment, the inspection was permitted to be "optional"—that is, it was left to the *option* of the seller of Leather to be honest or not, according as his interest was concerned. Why, they have that option now, yet complaints are made of fraud being practised. It was to take away the option of being dishonest, and to oblige people to be honest, that the Bill was passed. It is evident to all that the "optional" amendment of the Legislative Council just left the matter where it found it. Instead of saying "Live Fish," they said "Fish alive." This was all the difference. The Bill was sent up on the 5th, and returned with this amendment on the 15th March. They took *ten* days to hit upon an expedient to destroy the Bill.

9. Inspection of Pot and Pearl Ashes.—The Bill sent up by the Assembly provided for the reduction of the fees now charged by the Inspector. The inspection was fixed at 4½d, instead of 6d per cwt., and the storage was reduced from 6d to 5d. It was also declared that Inspectors could not be Magistrates. The motive for this last provision will be easily understood, when it is known that in case of dispute between the Manufacturer and the Inspector, a sort of appeal lay to the Magistrates; in other cases the Inspector had the right to prosecute the Manufacturer before a Magistrate, for infraction of the Act. Now there was nothing in the Act to prevent a brother Inspector who happened to be a Magistrate, from administering justice, or presiding in these cases where his *confrére* would be thus interested. To obviate the chance of such improper proceeding, the Assembly declared that these Inspectors should not be Magistrates. The Council struck out this unobjectionable provision, so the Bill was lost.

10. Montreal and Quebec Incorporation Bills.—We have already alluded to the benefit to be received from the Incorporation of cities and towns. So important has the Reform of Municipal Corporations been considered in England, that at an early period after the passing of the Reform Bill, it occupied the serious attention of His Majesty's Government. The Corporations of England became entirely remodelled; their powers extended, and more of the democratic principle infused into those institutions. At the opening of the present Session of Parliament, His Majesty in his Speech from the Throne directed the attention of Parliament to the state of the Corporations of Ireland, and a Bill has passed the House of Commons to extend the privileges and to remodel the constitutions thereof. With policy so avowedly liberal as this governing the Cabinet in England, it was to be expected that a similar policy would be extended to the Colonies, and that the latter would be permitted to enjoy the benefits to be derived from the operation of the liberal principles which were acted upon in favor of the people of England and Ireland.

With this expectation, Bills were passed by the Assembly extending the powers of the Corporations of Quebec and Montreal, and in some manner putting them on an equality with the city of Toronto, in Upper Canada. The Legislative Council so amended these Bills, that scarce a vestige of utility was left remaining. The qualification of Common-Councilmen was raised, so that no person could be elected to that office unless he possessed immoveable property to the amount of £1,000. The effect of this single amendment would be, that several of the wards would be unrepresented. Various other amendments, equally objectionable, were introduced, rendering the Corporations rather aristocratic clubs than any thing else. These amendments could not be agreed to, and the Bills dropped. In this dilemma a Bill was sent up to renew the expiring Corporation Acts. This was rejected. Thus our Cities are deprived of their charters. The evil effects of such proceeding on the part of the Council is now evident in our cities. Our Streets are not lighted, and we are unprotected by Watchmen. Such are some of the practical consequences of the insane conduct of the Legislative Council of Lower Canada.

We have now, at the expense of much research, and time, given the reader a detailed description of the nature and provisions of the various Bills which have been destroyed by the Legislative Council of this Province, in the course of the last Session of the Provincial Parliament. This description will enable him to judge between the Representatives of the Province, and those who by virtue of their irresponsible authority, have succeeded in inflicting so much injury on the community. The extent of that injury is, as we have already observed, incalculable. Public Improvements arrested; the Education of the rising generation put a stop to; the liberties of the subject invaded; the public health endangered; and the people of the Province refused the power of superintending the management of their local affairs. Such are the melancholy consequences of having *Irresponsible* Legislators.

The evils which we complain of, and describe, are not of yesterday's growth. So far back as 1827, it was made a matter of complaint that the Laws conceived by the people to be necessary for their common welfare were destroyed by the Council. Those evils are still not only unmitigated, but considerably increased, as the following statement, made up from Parliamentary returns, will shew.

Statement of the number of Bills which having originated in the House of Assembly of Lower Canada, were either rejected by the Legislative Council, or amended so as to cause their rejection by the Assembly; exhibiting the obstructive character of the said Council.

Year.	Rejected by the Council.	amended by the Council.	Total.
1822	8	0	8
1823	14	2	16
1824	12	5	17
1825	12	5	17
1826	19	8	27
1827	No sess.	No sess.	No sess.
1828 '9	16	8	24
1830	16	8	24
1831	11	3	14
1832	14	8	22
1833	16	16	32
1834	25	8	33
1835	*19		19
1836	34	15	49
Totals	216	86	302

Against conduct so oppressive as is here set forth, so ruinous to the improvement of the country, and so utterly incompatible with good Government, there is no protection but a *change* in the CONSTITUTION of that Body which has so wantonly abused its power, and exercised it, not for the advantage of the community, but as the means of perpetrating public mischief. The mischievous consequences of their misconduct is evident from the nature of the Bills which they have destroyed. The gradual and steady increase of those evils is evident by reference to the above table, and puts beyond a doubt the fact, that the destruction of all public measures introduced in the Assembly for the good of the people, by whom it is elected and whom it represents, has now settled down in the Legislative Council, into a confirmed habit, and established system. The only means which remains to uproot that system is to render that Council ELECTIVE.

Some well-meaning, but short-sighted, people, imagine that a change in the *composition* of that Council, would obviate all necessity for a change in its Constitution. That experiment has been tried, and has woefully failed. Formerly, the majority of the members of the Legislative Council in this Province were in some way or other connected with, and dependant on, the Executive Government. Such a composition was loudly complained against. Other members were afterwards added, unconnected with the Executive, and it was expected that the two Legislative chambers would be thus brought to harmonize together. What has been the consequence? By reference to the above tables, it will be seen that more Bills have been destroyed each year since the boasted change in the composition of the Council, than in any of the preceding years when the majority of that body were the dependants of the Executive.

The truth is, this is but the natural effect of irresponsible power. Put an honest, a well meaning man, into office for life, irresponsible to any authority, and he invariably abuses the power with which he is invested. It is the inherent concomitant of irresponsibility. Several Members of the Assembly—men who always voted with the majority of their fellow representatives—have been made Legislative Councillors, and with two or three exceptions, they have all gone over to the enemy, and vote in the Council with the obstructive majority, as regularly as if they had never sat in any other branch of the Legislature. The experience gained from a knowledge of these various facts, has at length convinced the majority of the people of the necessity of altering the Constitution of the Legislative Council of this Province. The character of that body is utterly destroyed. The public confidence in it is totally annihilated. During the last Session, it was afforded an opportunity of retrieving that lost character. The opportunity was thrown away. The inveterate animosity of that body to the interests of the Province was only rendered more apparent. The black catalogue of their misdeeds has been only increased, and *the determination is now taken*, that no public business will again be transacted with that Legislative Council until it is radically remodelled and changed.

* There were three Bills sent up this year, one of which was to continue 17 expiring acts. In the table, we have charged the 17 acts which expired to the Legislative Council, as by their rejection of the Bill which continued them, they were responsible for the loss of the whole *seventeen*.

PENDIX.

Table I.

List of Bills passed by the Assembly, sent to the Council and not returned.

1. Bill for appointing an Agent in the United Kingdom of Great Britain and Ireland—(*Passed the Assembly Nov. 3rd.*)
2. Bill for better ensuring the freedom of Elections, by the removal of the Troops from the places in which such Elections are held —(*do. do. Oct. 31st.*)
3. Bill to abolish the punishment of Pillory in certain cases.
4. Bill to provide for the nomination, and appointment of Parish and Township Officers, within the Seigniories and Townships of this Province—(*Passed the Assembly Dec. 14th*)
5. Bill to make the salaries and emoluments of public officers liable to attachment at the suit of the creditors of such officers—(*do. do. Nov. 9th.*)
6. Bill to repeal certain parts of an Ordinance therein mentioned concerning persons to be admitted to practice the Law in this Province—(*do. do. Nov. 9th.*)
7. Bill to amend the Act of the 55th year of the Reign of George 3rd chap. 10, relative to the pensions of wounded Militia men—(*do. do. Nov. 20.*)
8. Bill to amend a certain Act therein mentioned, and to make further provisions for making, altering and repairing highways and bridges—(*do. do. Feb 29th*)
9. Bill to regulate Notarial Profession—(*do. do. Dec. 12th.*)
10. Bill to provide for the reprinting of the Provincial Ordinances and Statutes now in force—[*do. do. Nov. 20th.*]
11. Bill to regulate the exercise the rights of Lessors and Lessees—[*do. do. March 5th*].
12. Bill for the better regulation of the formalities to be observed in the closing of inventories—[*do do. Nov. 30th.*]
13. Bill to remove all doubts with respect to the benefit of *Cessio Bonorum* in certain cases therein mentioned—[*do. do. March 5th.*]
14. Bill to make further provision for maintaning the Court Houses and Jails in the Counties of this Province—[*do. do. Decr. 9th.*]
15. Bill to establish a free Bridge over the River St. Charles—[*do. do. Jany. 11th.*]
16. Bill to regulate the administration and management of the Fiefs, Seigniories and other Estates formerly belonging to the order of Jesuits—[*do. do. Feby. 20th.*]
17. Bill to repeal a certain Act therein mentioned, concerning the printing and distribution of the Provincial Statutes, and to make other provisions on the same subject—[*do. do. Jany. 4.*]
18. Bill to establish a Post Office in this Province, and to provide for the future management of the same—[*do. do. Jany. 27.*
19. Bill to limit the number of passengers in vessels coming into this Province from Europe—[*do. do. Jany. 30.*]
20. Bill to repeal certain Acts therein mentioned, and to provide for the further Encouragement of Education in this Province—[*do. do. Feb. 26.*]
21. Bill to prevent Duelling—[*do. do. March 4.*]
22. Bill to make good certain sums advanced to meet the contingent expenses of the Legislative Council and of the House of Assembly—[*do. do. Feb. 20.*]
23. Bill to prevent and punish Stellionate—[*do. do. March 9.*]
24. Bill to regulate the mode of summoning Defendants, who have no known domicile in the Province, in matters of *saisie arret*—[*do. do. March 9.*]
25. Bill to diminish the duties payable on Tobacco imported by land or by inland navigation—[*do. do. March 1.*]
26. Bill to provide means for defraying the expences of the Civil Government of the Province for the time between the 15th Jany. 1836 and the 15th July of the same year, and to provide for certain expenses therein mentioned—[*do do March 3.*]
27. Bill to provide more effectually for the establishment of a strict and efficient Quarantine in the Province of Lower Canada—[*do. do. March 9.*]
28. Bill to repeal so much of two Acts therein mentioned, made and passed in the Parliament of the United Kingdom of Great Britain and Ireland, as authorises the commutation of the Tenure of Lands held *à titre de fief*, and *à titre de cens* in this Province into the tenure of free and common soccage—(*do. do. March 4.*)
29. Bill to amend the Act of 9th Geo. IV. c. 73, dividing the Province into Counties, by changing one place of Election in the County of Missisquoi—(*do. do. March 3.*)
30. Bill to reduce and fix the Salaries of certain officers of the Law—(*do. do. March 11.*)
31. Bill to provide for the appointment of Commissioners to bid at the sale of the Seigniory of Lauzon, by the Sheriff; and for other purposes therein mentioned—(*do. do. March 10.*)
32. Bill to provide for the completion of the Chambly Canal—(*do. do. March 7.*)
33. Bill to provide for the construction of a Dam and Lock, above the Village of St. Ours on the River Chambly—(*do. do. March 7.*)
34. Bill to continue, for a limited time, the Acts relating to the Incorporation of the Cities of Quebec and Montreal—(*do. do. March 12.*)

Table II.

Bills passed by the Assembly, sent to the Council and returned with amendments.

1. Bill to repeal an Act passed in the tenth and eleventh years of His late Majesty's Reign,

intituled "An Act for the relief of certain Religious Congregations therein mentioned," and to make other Legislative provisions in the place thereof—(*Passed the Assembly, Nov.* 11.)

2. Bill to regulate the qualification and summoning of Jurors in Civil and Criminal matters—(*do. do. Feb.* 16.)
3. Bill to repeal the ordinance therein mentioned, concerning quartering the Troops on certain occasions in the country parishes, and the conveyance of effects belonging to the Government—(*do. do. Nov.* 13)
4. Bill to authorize Pierre Gingras to build a Toll Bridge over the River Cap-Rouge—(*do. do. Dec.* 18)
5. Bill to make further provision for the improvement and enlargement of the Harbor of Montreal and to appoint Commissioners for that purpose—(*do. do. Dec.* 19)
6. Bill to amend an act therein mentioned relating to Elections—(*do. do. Dec.* 28)
7. Bill to amend the Judicature of the Province, and to extend, and facilitate the administration of Justice in the different parts thereof—*do. do. Jan.* 18)
8. Bill for the further and permanent Encouragement of Education.--(*do. do. Jan.* 22)
9. Bill concerning the erection of Parishes, and the construction and maintenance of Churches, Presbyteries and Burial grounds —(*do. do. March* 2)
10. Bill to suspend for a limited time certain ordinances therein mentioned, as far as the same relate to the City of Quebec and the City of Montreal, and for preventing accidents by fire—(*do. do. March* 5)
11. Bill to vest the property of Pierre Chasseurs Museum of Natural History in the Public—*do. do. Feb.* 29)
12. Bill to consolidate, extend and amend the provisions of divers acts concerning the Corporation of Quebec—[*do. do. March* 7.]
13. Bill to consolidate, extend and amend divers acts relating to the Corporation of the City of Montreal—[*do. do. March* 7.]
14. Bill to provide for the Inspection of Sole Leather—[*do. do. March* 5.]
15. Bill to continue and amend two acts therein mentioned, relative to the Inspection of Pot Ash and Pearl Ash—[*do. do. March* 11]

Table III.

List of Bills received from the Council but not passed in the Assembly.

1. Bill to amend the act of the 36th Geo. III. c. 9 commonly called "the Road Act."
2. Bill to incorporate the Parish of *Notre Dame de Bonsecours* in the Seigniory *des Eboulemens dite de Sales Laterriere*, in the County of Saguenay.
3. Bill to enable the Justices of the Peace and Officers of the Peace to repress certain proceedings known by the name of *Charivaris.*
4. Bill for making all mortgages and *Hypothe ques* special, for abolishing customary dower, *Douaire Coutumier* and for othe purposes.
5. Bill to give effect and validity to a Bill pas sed by the Legislative Council and Assem bly of this Province, intituled an act fo rendering valid conveyances of Land, and other immoveable property held in free and common soccage in the Province of Lower Canada, and for other purposes therein mentioned, to which the Royal assent was given and signified, after the period limited by law.

Table IV.

Bill reserved by the Governor in Chief for the consideration of Downing Street.

1. An act to provide for making, and maintaining a Rail Road from the River St. Lawrence to the Province Line.

Recapitulation.

Number of sitting days	109
Number of Bills introduced in the Assembly	117
Received from the Council,	6
Total	123
Passed,	58
Passed by the Assembly, sent to the Council, and not returned,	34
Passed by the Assembly, sent to the Council, and returned with amendments,	15
Introduced in the Assembly, but not passed,	10
Received from the Council, and not passed,	5
Reserved for the sanction of Downing-Street,	1
	123

Reports of Standing Committees made during the Session.

Privileges and Elections,	3
Grievances,	13
Courts of Justice,	3
Revenue and Finance,	1
Public Accounts,	5
Education and Schools,	6
Lands and Seigniorial Rights,	2
Jesuits' Estates,	2
Agriculture,	1
Trade,	5
Roads and Public Improvements,	5
Expiring Laws,	1
Private Bills,	6
Hospitals and Charitable Institutions,	6
Contingent Expenses and other objects connected with the Internal Department of the House of Assembly,	3
	62
Number of Special Committees, named during the Session, some of which had power to report from time to time,	111
Reports made therefrom,	104